

From: Casselle, Justine (NHTSA)
To: Perry, Christopher (NHTSA)
Sent: Thursday, February 28, 2019 1:30:49 PM
Subject: FW: 3rd Party Pillow Headrests
Attachments: image003.png (1 KB);

From: Quandt, Jeff (NHTSA)
Sent: Thursday, February 28, 2019 1:28 PM
To: Ridella, Stephen (NHTSA) <Stephen.Ridella@dot.gov>
Cc: Casselle, Justine (NHTSA) <justine.casselle@dot.gov>
Subject: Fwd: 3rd Party Pillow Headrests

FYI

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From: Al Prescott <aprescott@tesla.com>
Sent: Thursday, February 28, 2019 12:50:02 PM
To: Quandt, Jeff (NHTSA)
Subject: 3rd Party Pillow Headrests

Jeff,

FYI, in case NHTSA noticed this one. <https://twitter.com/ElectrekCo/status/1096741274428866562>. Tesla had nothing to do with these headrests and we think they're unsafe. We demanded that the company, EV Premium Customs (<https://evpremiumcustoms.com/>) stop offering these and stop using our trademark. They agreed to remove our trademark. They made no promise to stop offering the pillows.

Best, Al

Al Prescott | Deputy General Counsel and Director of Regulatory Affairs

3500 Deer Creek Rd, Palo Alto, CA 94304

m. (b)(6) aprescott@tesla.com

T E S L A

From: Morrison, Jonathan (NHTSA) [Jonathan.Morrison@dot.gov]
To: Perry, Christopher (NHTSA)
Sent: Wednesday, October 31, 2018 9:17:37 PM
Subject: Fwd: Tesla Response to NHTSA Cease and Desist Letter
Attachments: image001.png (1 KB); Tesla Response to NHTSA Cease and Desist.pdf (376 KB);

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From: Al Prescott <aprescott@tesla.com>
Sent: Wednesday, October 31, 2018 9:06:38 PM
To: Morrison, Jonathan (NHTSA)
Subject: Tesla Response to NHTSA Cease and Desist Letter

Mr. Morrison,

We are in receipt of your letter requesting that Tesla discontinue use of public statements that the Tesla Model 3 Long Range RWD achieved the lowest probability of injury of any vehicle ever tested in NHTSA's New Car Assessment Program (NCAP) testing. Please find our response attached. If you would like to discuss, please let me know.

Best regards,

Al Prescott | Deputy General Counsel and Director of Regulatory

3500 Deer Creek Rd, Palo Alto, CA 94304

m. (b)(6) | aprescott@tesla.com

T E S L A



October 31, 2018

Jonathan C. Morrison
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Re: Response to Cease and Desist Letter

Dear Mr. Morrison,

We are in receipt of your letter requesting that Tesla discontinue use of public statements that the Tesla Model 3 Long Range RWD achieved the lowest probability of injury of any vehicle ever tested in NHTSA's New Car Assessment Program (NCAP) testing. Respectfully, we disagree with the agency's position. Tesla's statement is neither untrue nor misleading. To the contrary, Tesla has provided consumers with fair and objective information to compare the relative safety of vehicles having 5-star overall ratings. NHTSA's NCAP has succeeded in challenging manufacturers to develop safer vehicles, and now, with approximately 40% of vehicles receiving 5-star overall ratings, it is more important than ever to help consumers differentiate.

Tesla's blog statements are entirely based on actual test results and NHTSA's own calculations for determining relative risk of injury and probability of injury. Based on this published data, the Model 3 Long Range RWD has achieved a Vehicle Safety Score of 0.38 that translates to an overall probability of injury of 5.7%. NHTSA has rated almost 1,000 vehicles since the current NCAP began with the 2011 model year. We have compared these results to every other public test report. No vehicle has ever achieved an overall lower score.¹

The agency has criticized Tesla for allegedly making comparisons to vehicles with a "weight differential of more than 250 pounds." Tesla has made no such comparison. The Tesla statements that the agency has criticized each refer to the same performance metric achieved in NHTSA's NCAP crash tests. The statements do not make any express or implied claims with regard to weight or the performance of other

¹ NHTSA dockets: NHTSA-2010-0164, NHTSA-2011-0085, NHTSA-2012-0055, NHTSA-2013-0053, NHTSA-2014-0043, NHTSA-2015-0034, NHTSA-2016-0045, NHTSA-2017-0037.

vehicles in other crashes:

- “Model 3 achieves the lowest probability of injury of any vehicle ever tested by NHTSA.”
- “NHTSA’s tests also show that it has the lowest probability of injury of all cars the safety agency has ever tested.”
- “The agency’s data shows that vehicle occupants are less likely to get seriously hurt in these types of crashes when in a Model 3 than in any other car.”
- “But when a crash happens in real life, these test results show that if you are driving a Tesla, you have the best chance of avoiding serious injury.”

Although we did not address weight, nor claim Model 3 would outperform substantially heavier vehicles in a frontal head-to-head crash, we do want to point out that Model 3, like other fully electric vehicles, is heavy relative to other mid-size sedans. The Model 3 RWD Long Range has an average curb weight of about 3,885 lbs. According to EPA, the average weight of a light duty car OR truck in 2016 was 4,035 lbs.² So, although we never intended to comment on weight, the weight of Model 3 is closely associated with (and within 250 pounds of) the average vehicle it may impact as well. In addition, according to IIHS, in 2016, 41 percent of car occupant deaths, 56 percent of SUV occupant deaths, and 59 percent of pickup occupant deaths occurred in single-vehicle crashes.³ Therefore, a majority of potentially serious crashes involving a Model 3 can be expected to involve no other vehicle or a similarly heavy or lighter car, truck, or SUV.

Setting this aside, NHTSA has never discredited or discounted the Vehicle Safety Score methodology, or the importance of overall ratings. Nor has NHTSA ever recommended that customers discount ratings based on weight. In fact, in 2015, in NHTSA’s Request for Comment for future NCAP revisions, NHTSA reiterated the importance of the overall rating and that it intends to enhance the methodology for an overall score (80 FR 78522). There has been no consideration of weight classification in changing the proposed ratings nor any suggestion that ratings are less meaningful for lighter vehicles.

Additionally, your assertion that Tesla has failed to conform to NHTSA’s NCAP advertising guidelines now or in the past is incorrect. NHTSA created the current guidelines in 2013 *after* Tesla had, earlier in the same year, published that it achieved 5.4 stars in the NCAP score, and Tesla discontinued its statement at that time.⁴ Further, we do not state that Model 3’s 5-star rating makes it the safest vehicle. The only use of “safest” in the Tesla blog entry in question was that “we engineered Model 3 to be the safest car

² <https://www.epa.gov/fuel-economy-trends/highlights-co2-and-fuel-economy-trends>.

³ <https://www.iihs.org/iihs/topics/t/general-statistics/fatalityfacts/passenger-vehicles>.

⁴ We also note, as stated in the Guidelines, that at the time other manufacturers had made claims of 10 and 20 stars, and it is unreasonable to single Tesla out where there was no prior guidance.

ever built” of which the ratings are only a part of the safety elements described. Finally, we also made clear that NHTSA does not distinguish safety performance beyond its 5-star scale, and therefore, does not endorse any claims.⁵ Tesla’s statements are its own, are based on sound public data, and do not contravene NHTSA’s guidelines.

Based on the foregoing, we do not see a reason to discontinue use of our safety blog or these statements as long as no other vehicle surpasses the Model 3 Long Range RWD’s Vehicle Safety Score and overall probability of injury. While we do not expect NHTSA to take sides among manufacturers, we had hoped that NHTSA would welcome such an achievement because it was presented in an objective manner using the agency’s own data. Model 3’s achievement is exactly what NHTSA intended with the NCAP—to encourage manufacturers to continuously improve safety.

If you have any questions regarding this request, you may contact me at aprescott@tesla.com or (240) 994-5639. We would be pleased to meet with the agency to better understand your concerns.

Sincerely,

(b)(6)

Al Prescott

Deputy General Counsel and
Director of Regulatory

Cc: Andrew Smith, Director, Federal Trade Commission Bureau of Consumer Protection

⁵ See blog statement explaining methodology: “While NHTSA’s New Car Assessment Program doesn’t distinguish safety performance beyond its 5-star scale, every car rated by NHTSA since 2011 is assigned a Vehicle Safety Score, which NHTSA calculates by taking the weighted average of the Relative Risk Scores (RRS) in front, side and rollover crashes. We compared the underlying and publicly-available NHTSA data for each published vehicle since this calculation protocol began in 2011 (dockets: NHTSA-2010-0164, NHTSA-2011-0085, NHTSA-2012-0055, NHTSA-2013-0053, NHTSA-2014-0043, NHTSA-2015-0034, NHTSA-2016-0045, NHTSA-2017-0037).”

From: Perry, Christopher (NHTSA) [Christopher.Perry@dot.gov]
To: Casselle, Justine (NHTSA)
Sent: Thursday, November 01, 2018 4:55:40 PM
Subject: Fwd: Tesla Response to NHTSA Cease and Desist Letter
Attachments: image001.png (1 KB); Tesla Response to NHTSA Cease and Desist.pdf (376 KB);

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From: Morrison, Jonathan (NHTSA) <jonathan.morrison@dot.gov>
Sent: Wednesday, October 31, 2018 9:17 PM
To: Perry, Christopher (NHTSA)
Subject: Fwd: Tesla Response to NHTSA Cease and Desist Letter

FYI...

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From: Al Prescott <aprescott@tesla.com>
Sent: Wednesday, October 31, 2018 9:06:38 PM
To: Morrison, Jonathan (NHTSA)
Subject: Tesla Response to NHTSA Cease and Desist Letter

Mr. Morrison,

We are in receipt of your letter requesting that Tesla discontinue use of public statements that the Tesla Model 3 Long Range RWD achieved the lowest probability of injury of any vehicle ever tested in NHTSA's New Car Assessment Program (NCAP) testing. Please find our response attached. If you would like to discuss, please let me know.

Best regards,

Al Prescott | Deputy General Counsel and Director of Regulatory

3500 Deer Creek Rd, Palo Alto, CA 94304

m.+1 (b)(6) aprescott@tesla.com

T E S L A



U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

October 17, 2018

CERTIFIED MAIL

Mr. Elon Musk
Product Architect and CEO
Tesla Motors
3500 Deer Creek
Palo Alto, CA 94340

Dear Mr. Musk,

The National Highway Safety Administration (NHTSA) has recently become aware that your company has issued a number of misleading statements regarding the recent Government 5-Star Safety Ratings of the Tesla Model 3. This letter serves as notice that your use of NHTSA 5-Star Ratings and associated data is inconsistent with NHTSA's Government 5-Star Ratings for Motor Vehicles Advertising & Communication Usage Guidelines (Guidelines).¹ Because your company has also previously failed to conform to these Guidelines, we are also referring this matter to the Federal Trade Commission's Bureau of Consumer Protection to investigate whether these statements constitute unfair or deceptive acts or practices.

The NHTSA Government 5-Star Safety Ratings program provides important safety information to help consumers make informed vehicle purchases, which in turn helps save lives, prevent injuries, and reduce economic costs due to road traffic crashes. Adherence to the Guidelines by all vehicle manufacturers and their advertisers, including Tesla, ensures that accurate and consistent information is conveyed to the public and is essential to the fair and consistent implementation of the program across the industry.

For a second time now, Tesla has failed to comply with the terms of the Guidelines. For example, a post on your company's corporate blog dated October 7, 2018² contains the following statements:

¹ Available at: http://www.safercar.gov/staticfiles/safercar/NCAP/NCAP_Advertising_Guidelines-11202013.pdf

² *Model 3 achieves the lowest probability of injury of any vehicle ever tested by NHTSA*, TESLA, Oct. 7, 2018
<https://www.tesla.com/blog/model-3-lowest-probability-injury-any-vehicle-ever-tested-nhtsa>.

- “Model 3 achieves the lowest probability of injury of any vehicle ever tested by NHTSA”
- “. . . NHTSA’s tests also show that it has the lowest probability of injury of all cars the safety agency has ever tested.”
- “The agency’s data shows that vehicle occupants are less likely to get seriously hurt in these types of crashes when in a Model 3 than in any other car.”
- “But when a crash happens in real life, these test results show that if you are driving a Tesla, you have the best chance of avoiding serious injury.”

Similar claims are repeated throughout the rest of the blog post.

On October 8, 2018, a tweet linking to that blog post claimed: “Model 3 has the lowest overall probability of injury for any car ever tested by @nhtsagov. Model S is #2. Model X is #3. There is no safer car in the world than a Tesla.”³ Another tweet linking to the same blog post said: “Model 3 has the lowest intrusion from side pole impact of any vehicle tested by @NHTSAgov”⁴

NHTSA’s Guidelines explain that comparing frontal crash ratings or Overall Vehicle Scores of two or more vehicles with a weight differential of more than 250 pounds is inappropriate. This is because frontal crash tests involve crashing a vehicle into a fixed barrier, and therefore the results of the test are directly affected by the mass of the vehicle. The nature of the test makes it impossible to compare results of vehicles that vary in weight by more than 250 pounds. It is therefore inaccurate to claim that the Model 3 has “the lowest probability of injury of all cars” or that Model 3 occupants are “less likely to get seriously hurt” or “have the best chance of avoiding a serious injury.”

The Guidelines warn against comparison statements like these because such statements mislead consumers about the relative safety of different vehicle models. Frontal crash test data cannot determine whether a Model 3 would fare better in a real world frontal collision with, for instance, a significantly heavier SUV. This is not without significance. When a vehicle with larger mass collides with a vehicle with smaller mass, the larger vehicle has a greater chance of survivability and injury avoidance. To say that Tesla’s midsize sedan has a lower probability of injury than, say, a larger SUV could be interpreted as misunderstanding safety data, an intention to mislead the public, or both.

³ Tesla (@Tesla), TWITTER (Oct. 8, 2018), <https://twitter.com/Tesla/status/1049285440979664897>.

⁴ Tesla (@Tesla), TWITTER (Oct. 8, 2018), <https://twitter.com/Tesla/status/1049285776393953280>.

A number of NHTSA studies have evaluated the impact of vehicle mass on fatality rates,⁵ and these potential safety differences are not reflected in a vehicle's frontal crash test results. It is impossible to say based on the frontal crash results or Overall Vehicle Scores whether the Model 3 is safer than other 5-Star rated vehicles. This is also why the guidelines discourage the use of misleading words such as "perfect," "safest" or "best in class" to describe a 5-star rating.

This is not the first time that Tesla has disregarded the Guidelines in a manner that may lead to consumer confusion and give Tesla an unfair market advantage. We have therefore also referred this matter to the Federal Trade Commission Bureau of Consumer Protection to investigate whether these statements constitute unfair or deceptive acts or practices.

Fair and accurate use of the 5-Star Ratings program, consistent with the Guidelines, to promote the sale of vehicles with high levels of safety is in everyone's best interests. I trust that Tesla Motors will take immediate corrective action to remedy prior statements and ensure future statements will conform with the Guidelines.

Sincerely,

(b)(6)

Jonathan Morrison
Chief Counsel

cc: Todd A. Maron, General Counsel, Tesla Motors
Andrew Smith, Director, Federal Trade Commission Bureau of Consumer Protection

⁵ See, e.g. NAT'L HIGHWAY TRAFFIC SAFETY ADMIN., *Relationships between Fatality Risk, Mass, and Footprint in Model Year 2003–2010 Passenger Cars & LTVs: Preliminary Report*, No. NHTSA-2016-0068, (June 2016), <https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/2016-prelim-relationship-fatalityrisk-mass-footprint-2003-10.pdf>

From: Eric Williams [erwilliams@tesla.com]

To: Kolodziej, Kerry (NHTSA)

Sent: Friday, May 18, 2018 11:51:20 PM

Subject: RE: Courtesy Copy: Tesla CBI Submission for J. Quandt (VINs 59632 and 60305)

Attachments: image001.gif (2 KB); image002.png (1 KB); image003.png (1 KB); image004.png (1 KB); Tesla Certificate of Confidentiality - May 2018 - Subpoena re. Culver Ci....pdf (80 KB); Tesla Request for Confidentiality - May 2018 - Subpoena re. Culver Citypdf (87 KB); CBI-NHTSA-Response_Letter-Subpoenas-MountainView-CulverCity-5-18-2018.pdf (176 KB); CBI-CulverCity-5YJSA1H13EFP:(b)(1).zip1 (4986 KB); CBI-MountainView-5YJXCAE28HF0:(b)(1).zip1 (5055 KB);

Hi, Kerry –

As a follow-up to my submission below, attached is all of Tesla's CBI response to the two subpoenas except for two video files that are too large to electronically submit. I will still provide a hard copy of all the attached along with the video files, as explained below, but I wanted to provide as much information as possible now to ensure that Jeff Quandt has the opportunity to review at his convenience. We will explain this to Jeff separately. Please note that part of this CBI submission includes two .zip files. Because NHTSA's server will otherwise block this kind of file, I have added one character at the end of each .zip file (a "1"). Upon receipt, Jeff Quandt can remove this character to access the contents of the folder as normal. Will you please draw his attention to this detail?

Again, thank you and please let me know if you have any questions.

Best,
Eric

From: Eric Williams

Sent: Friday, May 18, 2018 10:36 PM

To: Kolodziej, Kerry (NHTSA) <Kerry.Kolodziej@dot.gov>

Cc: Al Prescott <aprescott@tesla.com>

Subject: Courtesy Copy: Tesla CBI Submission for J. Quandt (VINs (b)(1) and (b)(1))

Hi, Kerry:

Attached please find courtesy copies of part of Tesla's response to two subpoenas from NHTSA on April 27, 2018, to produce information for separate incidents involving VINs 5YJSA1H13EFP:(b)(1) and 5YJXCAE28HF0:(b)(1). Per normal Part 512 procedures, also attached are a request for confidentiality and a certificate of confidentiality, with which we are claiming confidential treatment for our submission in entirety. I will provide hard copies of the attached, along with two USBs that will comprise the rest of our submission (too large to send by email), by FedEx for a Monday morning delivery to your office.

Thank you, and please let me know if you have any questions.

Best,
Eric

Eric C. Williams | Sr. Regulatory Counsel | Legal

1050 K St., N.W., Ste. 101 | Washington, D.C. 20001-4792

p +1 508.272.8358 | e erwilliams@tesla.com

TESLA

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CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Al Prescott, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

(1) I am the Associate General Counsel, Regulatory, for Tesla, Inc. ("Tesla"), and I am authorized by that company to execute documents on behalf of Tesla.

(2) The information contained in Tesla's May 18, 2018, submission, marked with "Confidential Business Information" or "CBI," is confidential and proprietary and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. § 522(b)(4), as modified pursuant to 49 C.F.R. § 512.

(3) I have personally inquired of the responsible Tesla personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside of Tesla.

(4) Based upon such inquiries, to the best of my knowledge, information and belief, the information for which Tesla has claimed confidential treatment has never been released or become available outside of Tesla except as hereinafter specified: the information or portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisers, or to outside testing laboratories and suppliers who have signed written non-disclosure agreements, or to foreign regulatory bodies who have requested such information where such submissions have been provided with a request for confidential treatment, or as otherwise discussed in the request for confidentiality.

(5) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside of Tesla because of unauthorized or inadvertent disclosure except as stated in paragraph 4; and

(6) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 18th day of May, 2018.

(b)(6)

Al Prescott



May 18, 2018

Jonathan C. Morrison
 Chief Counsel
 National Highway Traffic Safety Administration
 1200 New Jersey Avenue, S.E.
 Washington, D.C. 20590
 ATTN: Kerry Kolodziej

Re: Request for Confidential Treatment – Response to Subpoenas to Produce Information for VINs 5YJSA1H13EFP(b)(6) and 5YJXCAE28HF0(b)(6)

Dear Mr. Morrison,

Pursuant to the provisions of 5 U.S.C. § 552(b)(4) and 49 C.F.R. § 512, Tesla, Inc. (“Tesla” or the “Company”), requests the National Highway Traffic Safety Administration (“NHTSA” or the “Agency”), Office of Chief Counsel, for confidential treatment of all of the information contained in the attached response and accompanying documents, which is being provided in response to two subpoenas from NHTSA, dated April 27, 2018, to produce information for separate incidents involving VINs 5YJSA1H13EFP(b)(6) and 5YJXCAE28HF0(b)(6) (the “Submission”).

The information contained in the Submission is proprietary and confidential, and has been labeled as such. Tesla has taken measures to ensure the foregoing identified information has not been disclosed, released publicly, or otherwise become available to any person outside of the Company, except as portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisors, or as discussed below. Some of the information contained in the Submission may have been released to outside consultants under binding nondisclosure agreements or similar mechanisms or shared confidentially with other government agencies. Such disclosures do not compromise the confidential nature of the information because of the obligations of confidentiality imposed upon such advisors. Accordingly, Tesla seeks confidential treatment for all of the information contained in the Submission, as marked with the phrase “Confidential Business Information” on each page and “CBI” in the file name.

Competitive Harm. The information is entitled to confidential treatment because release would cause substantial competitive harm to Tesla. The Submission reveals the process by which Tesla identifies and

examines field incidents, learns from vehicles through data collection, how Tesla conducts over-the-air updates and customer service, and how Tesla's software works.

None of the aforementioned information is publicly available. Absent public disclosure, access to it and all of the knowledge gained from it would require significant expenditure of time and resource, and would enable competitors to gain knowledge an unfair advantage

Personal Identifying Information and Service History. NHTSA has stated that it will protect personally identifying information, such as a name, address, telephone number, or the last six digits of any VIN. The Submission reveals the name, home address, email, and phone number of two customers. The data also contains sensitive information about how individual drivers interacted with their vehicle at the time of crashes, which must be protected for privacy. Because the identities of the drivers are well-known in the public and associated with these incidents, they are easily identifiable, a redacted partial VIN is insufficient to protect privacy.

Therefore, in order to protect the personal privacy of our customers, Tesla seeks confidential treatment of all of this personal identifying information, and believes it is further reason for NHTSA to grant confidentiality of the Submission in entirety.

* * *

Based on the foregoing, we request that confidentiality be granted in perpetuity for the entire Submission. Thank you for your consideration. If you have any questions regarding this request, you may contact me at aprescott@tesla.com or (240) 994-5639.

Sincerely,

(b)(6)

Al Prescott
Associate General Counsel and
Director of Regulatory

From: Eric Williams [erwilliams@tesla.com]

To: Kolodziej, Kerry (NHTSA)

Sent: Friday, August 24, 2018 12:34:25 AM

Subject: Tesla CBI Submission for Harold Herrera

Attachments: image001.gif (2 KB); image002.png (1 KB); image003.png (1 KB); image004.png (1 KB); CBI-NHTSA-Response_Letter-Subpoena-South Jordan, UT-08-24-2018 (FINAL).pdf (142 KB); CBI-Responsive Documents to NHTSA Subpoena--South Jordan, UT (08.24.2018).zip1 (16430 KB); Tesla Certificate of Confidentiality - August 24, 2018 - Subpoena re. South Jordan, UT.pdf (80 KB); Tesla Request for Confidentiality - August 24, 2018 - Subpoena re. South Jordan, UT.pdf (87 KB);

Hi, Kerry –

Attached please find Tesla's confidential response to a subpoena to produce information about the recent crash in South Jordan, UT, involving VIN 5YJSA1E29G[REDACTED]. The recipient is Harold Herrera. Per normal Part 512 procedures, also attached are a request for confidentiality and a certificate of confidentiality, with which we are claiming confidential treatment for all of the marked information in the submission. Per your guidance from May 4, 2017, we will not submit a separate hard copy of this CBI submission.

Please note that part of the CBI submission is a .zip file. Because NHTSA's server blocks .zip files, I have added one character at the end of the .zip file (a "1"). Upon receipt, Harold can remove this character to access the file as normal. Will you please draw Harold's attention to this detail?

Thank you, and please let me know if you have any questions.

Best,
Eric

Eric C. Williams | Sr. Regulatory Counsel | Legal

1050 K St., N.W., Ste. 101 | Washington, D.C. 20001-4792

p +1 508.272.8358 | e erwilliams@tesla.com



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CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Al Prescott, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

(1) I am the Deputy General Counsel, Regulatory, for Tesla, Inc. ("Tesla"), and I am authorized by that company to execute documents on behalf of Tesla.

(2) The information contained in Tesla's August 24, 2018, submission, marked with "Confidential Business Information" or "CBI," is confidential and proprietary and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. § 522(b)(4), as modified pursuant to 49 C.F.R. § 512.

(3) I have personally inquired of the responsible Tesla personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside of Tesla.

(4) Based upon such inquiries, to the best of my knowledge, information and belief, the information for which Tesla has claimed confidential treatment has never been released or become available outside of Tesla except as hereinafter specified: the information or portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisers, or to outside testing laboratories and suppliers who have signed written non-disclosure agreements, or to foreign regulatory bodies who have requested such information where such submissions have been provided with a request for confidential treatment, or as otherwise discussed in the request for confidentiality.

(5) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside of Tesla because of unauthorized or inadvertent disclosure except as stated in paragraph 4; and

(6) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 24th day of August, 2018.

(b)(6)

Al Prescott



August 24, 2018

Jonathan C. Morrison
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590
ATTN: Kerry Kolodziej

Re: Request for Confidential Treatment – Confidential Response to a Subpoena to Produce Information for South Jordan, UT, Crash – VIN 5YJSA1E29GF (b)(6)

Dear Mr. Morrison,

Pursuant to the provisions of 5 U.S.C. § 552(b)(4) and 49 C.F.R. § 512, Tesla, Inc. ("Tesla" or the "Company"), requests the National Highway Traffic Safety Administration ("NHTSA" or the "Agency"), Office of Chief Counsel, for confidential treatment of all of the information marked accordingly in the attached response and accompanying documents, which are being provided in response to a subpoena from NHTSA, dated August 8, 2018, to produce information about a recent crash in South Jordan, UT, involving VIN 5YJSA1E29GF (b)(6) (collectively, the "Submission").

Tesla seeks confidential treatment for all of the information contained in the Submission that is marked with the phrase "Confidential Business Information" on each page and/or "CBI" in the file name. This information is proprietary and confidential. Tesla has taken measures to ensure the foregoing identified information has not been disclosed, released publicly, or otherwise become available to any person outside of the Company, except as portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisors, or as discussed below. Some of the information contained in the Submission may have been released to outside consultants under binding nondisclosure agreements or similar mechanisms, or shared confidentially with other government agencies. Such disclosures do not compromise the confidential nature of the information because of the obligations of confidentiality imposed upon such advisors.

Competitive Harm. The marked information in the Submission is entitled to confidential treatment because release of it would cause substantial competitive harm to Tesla. This information reveals the process by which Tesla identifies and examines field incidents, learns from vehicles through data collection, how Tesla conducts over-the-air updates and customer service, and how Tesla's software

works. None of this information is publicly available. Absent public disclosure, access to it and all of the knowledge gained from it would require significant expenditure of time and resources, and would enable competitors to gain an unfair advantage.

Personal Identifying Information and Service History. NHTSA has stated that it will protect personally identifying information, such as a name, address, telephone number, or the last six digits of any VIN. The Submission reveals the name, home address, email, and phone number of a customer. The Submission also contains sensitive information about the vehicle's service history and how the customer interacted with her vehicle at the time of crash, both of which must be protected for privacy. Because the identity of the customer is well-known in the public and associated with the crash, she is easily identifiable, meaning that a partially redacted VIN alone would be insufficient to protect her privacy. Therefore, in order to protect our customer's personal privacy, Tesla seeks confidential treatment of all of this personal identifying information, and believes it is further reason for NHTSA to grant confidentiality for all of the marked information in the Submission.

* * *

Based on the foregoing, we request that confidentiality be granted in perpetuity for all of the marked information in the Submission. Thank you for your consideration. If you have any questions regarding this request, you may contact me at aprescott@tesla.com or (240) 994-5639.

Sincerely,

(b)(6)

Al Prescott
Deputy General Counsel and Director of Regulatory

From: Eric Williams [erwilliams@tesla.com]
To: Kolodziej, Kerry (NHTSA)
Sent: Sunday, March 24, 2019 11:54:22 PM
Subject: RE: NHTSA - Tesla Administrative Subpoenas
Attachments: image001.png (5 KB); image002.png (1 KB); image003.png (1 KB); image004.png (2 KB); Delray Beach - Responsive Documents.zip1 (17486 KB); San Ramon Responsive Documents.zip1 (9451 KB); Tesla Certificate of Confidentiality - March 2019 - Subpoena re. San Ramon and Delray Beach Crashes (FINAL).pdf (80 KB); Tesla Request for Confidentiality - March 2019 - Subpoena re. San Ramon and Delray Beach Crashes (FINAL).pdf (87 KB);

+ Kerry as I received an OOTO from Justine. Attached is the same CBI submission in response to the subpoenas below.

Thanks again,
Eric

From: Eric Williams
Sent: Sunday, March 24, 2019 11:20 PM
To: 'Casselle, Justine (NHTSA)' <justine.casselle@dot.gov>
Cc: Al Prescott <aprescott@tesla.com>
Subject: RE: NHTSA - Tesla Administrative Subpoenas

Hi, Justine –

Attached please find Tesla's response to the two subpoenas below. Per normal Part 512 procedures, also attached are a request for confidentiality and a certificate of confidentiality, with which we are claiming confidential treatment for this submission in entirety. Unless otherwise directed, we will not submit a separate hard copy of the CBI submission.

Please note that part of the CBI submission contains two .zip files. Because NHTSA's server blocks .zip files, I added one character at the end of each .zip file (a "1"). Upon receipt, please remove this character to access the contents of the files as normal. We are meeting with Jeff Quandt on Wednesday to discuss some of the information in the CBI submission, and we expect he will want to review it beforehand.

Thank you, and please let me know if you have any questions.

Best,
Eric

From: Casselle, Justine (NHTSA) <justine.casselle@dot.gov>
Sent: Monday, March 11, 2019 2:05 PM
To: Al Prescott
Cc: Casselle, Justine (NHTSA)
Subject: NHTSA - Tesla Administrative Subpoenas

Al,

This is a follow-up to the voicemail I left earlier today and your conversations with Jeff Quandt. Attached are two (2) administrative subpoenas directed to Tesla. I am available tomorrow if you'd like to further discuss or have any questions.

Thank you,
Justine



Justine S. Casselle
Senior Trial Attorney
Office of Chief Counsel

Department of Transportation

National Highway Traffic Safety Administration

1200 New Jersey Avenue SE., Washington, DC 20590

Office: 202-366-2992 • Direct: 202-366-8721



CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Al Prescott, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

(1) I am the Deputy General Counsel, Regulatory, for Tesla, Inc. ("Tesla"), and I am authorized by that company to execute documents on behalf of Tesla.

(2) The information contained in Tesla's March 25, 2019, submission, marked with "Confidential Business Information" or "CBI," is confidential and proprietary and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. § 522(b)(4), as modified pursuant to 49 C.F.R. § 512.

(3) I have personally inquired of the responsible Tesla personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside of Tesla.

(4) Based upon such inquiries, to the best of my knowledge, information and belief, the information for which Tesla has claimed confidential treatment has never been released or become available outside of Tesla except as hereinafter specified: the information or portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisers, or to outside testing laboratories and suppliers who have signed written non-disclosure agreements, or to foreign regulatory bodies who have requested such information where such submissions have been provided with a request for confidential treatment, or as otherwise discussed in the request for confidentiality.

(5) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside of Tesla because of unauthorized or inadvertent disclosure except as stated in paragraph 4; and

(6) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 25th day of March, 2019.

(b)(6)

Al Prescott



March 25, 2019

Jonathan C. Morrison
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590
ATTN: Kerry Kolodziej

Re: Request for Confidential Treatment – Response to Subpoenas to Produce Information from VINs Associated with Crashes in Delray Beach, FL, and San Ramon, CA

Dear Mr. Morrison,

Pursuant to the provisions of 5 U.S.C. § 552(b)(4) and 49 C.F.R. § 512, Tesla, Inc. ("Tesla" or the "Company"), requests the National Highway Traffic Safety Administration ("NHTSA" or the "Agency"), Office of Chief Counsel, for confidential treatment of all of the information contained in the attached response and accompanying documents, which is being provided in response to two subpoenas from NHTSA, dated March 11, 2019, to produce information from two VINs associated with crashes in Delray Beach, FL, and San Ramon, CA (the "Submission").

The information contained in the Submission is proprietary and confidential, and has been labeled as such. Tesla has taken measures to ensure the foregoing identified information has not been disclosed, released publicly, or otherwise become available to any person outside of the Company, except as portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisors, or as discussed below. Some of the information contained in the Submission may have been released to outside consultants under binding nondisclosure agreements or similar mechanisms or shared confidentially with other government agencies. Such disclosures do not compromise the confidential nature of the information because of the obligations of confidentiality imposed upon such advisors. Accordingly, Tesla seeks confidential treatment for all of the information contained in the Submission, as marked with the phrase "Confidential Business Information" on each page and "CBI" in the file name.

Competitive Harm. The information is entitled to confidential treatment because release would cause substantial competitive harm to Tesla. The Submission reveals the process by which Tesla identifies and examines field incidents, learns from vehicles through data collection, how Tesla conducts over-the-air updates and customer service, and how Tesla's software works.

None of the aforementioned information is publicly available. Absent public disclosure, access to it and all of the knowledge gained from it would require significant expenditure of time and resource, and would enable competitors to gain knowledge and an unfair advantage.

Personal Identifying Information and Service History. NHTSA has stated that it will protect personally identifying information, such as a name, address, telephone number, or the last six digits of any VIN. The Submission reveals the names, home addresses, emails, phone numbers of, and full VINs associated with two customers. The Submission also contains sensitive information about how each customer interacted with their vehicle, including service and repair history, as well as their actions leading up to and during the crashes in question, including onboard video. All of this information must be protected for privacy reasons because it makes the customers easily identifiable, and redacted versions of it would be insufficient to protect their privacy. In addition, the identity of at least one customer is well-known in the public and associated with the crash in which he was involved. Precisely because he is easily identifiable in the public domain, none of his personal identifying information or the information relating to the crash in which he was involved should be released because it would put public scrutiny on and cause irreversible harm to his family. For these reasons, Tesla seeks confidential treatment of all of the personal identifying information in the Submission, and believes it is further reason for NHTSA to grant confidentiality of the Submission in entirety.

* * *

Based on the foregoing, we request that confidentiality be granted in perpetuity for the entire Submission. Thank you for your consideration. If you have any questions regarding this request, you may contact me at aprescott@tesla.com or (240) 994-5639.

Sincerely,

(b)(6)

Al Prescott

Deputy General Counsel and Director of Regulatory

From: Eric Williams [erwilliams@tesla.com]

To: Kolodziej, Kerry (NHTSA)

Sent: Wednesday, June 20, 2018 5:04:49 PM

Subject: Tesla CBI Submission: Quarterly Update Presentation (June 2018)

Attachments: image001.gif (2 KB); image002.png (1 KB); image003.png (1 KB); image004.png (1 KB); CBI - Tesla_Quarterly_Update_06.15.2018.pdf (1380 KB); Tesla Certificate of Confidentiality - June 2018 - CBI Quarterly Update Submission.pdf (80 KB); Tesla Request for Confidentiality - June 2018 - CBI Quarterly Update Submission.pdf (102 KB);

Hi, Kerry –

Attached please find a CBI quarterly update presentation that we presented to Jeff Quandt and other NHTSA personnel last Friday. We are submitting it per Jeff's request. As per the attached confidentiality request and certificate of confidentiality, we kindly request confidential treatment for all of the information provided in the presentation.

This submission is attached in entirety. Per your guidance from May 4, 2017, we will not submit a separate hard copy of this submission. Thank you, and please let me know if you have any questions.

Best,
Eric

Eric C. Williams | Sr. Regulatory Counsel | Legal

1050 K St., N.W., Ste. 101 | Washington, D.C. 20001-4792

p +1 508.272.8358 | e erwilliams@tesla.com



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CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Al Prescott, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

- (1) I am the Associate General Counsel, Regulatory, for Tesla, Inc. ("Tesla"), and I am authorized by that company to execute documents on behalf of Tesla.
- (2) The information contained in Tesla's June 20, 2018, submission, marked with "Confidential Business Information" or "CBI," is confidential and proprietary and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. § 522(b)(4), as modified pursuant to 49 C.F.R. § 512.
- (3) I have personally inquired of the responsible Tesla personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside of Tesla.
- (4) Based upon such inquiries, to the best of my knowledge, information and belief, the information for which Tesla has claimed confidential treatment has never been released or become available outside of Tesla except as hereinafter specified: the information or portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisers, or to outside testing laboratories and suppliers who have signed written non-disclosure agreements, or to foreign regulatory bodies who have requested such information where such submissions have been provided with a request for confidential treatment, or as otherwise discussed in the request for confidentiality.
- (5) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside of Tesla because of unauthorized or inadvertent disclosure except as stated in paragraph 4; and
- (6) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 20th day of June, 2018.

(b)(6)

Al Prescott



June 20, 2018

Jonathan C. Morrison
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590
ATTN: Kerry Kolodziej

Re: Request for Confidential Treatment – Quarterly Update Presentation on June 15, 2018

Dear Mr. Morrison,

Pursuant to the provisions of 5 U.S.C. § 552(b)(4) and 49 C.F.R. § 512, Tesla, Inc. ("Tesla" or the "Company"), requests the National Highway Traffic Safety Administration ("NHTSA" or the "Agency"), Office of Chief Counsel, for confidential treatment of all of the information contained in Tesla's attached quarterly update presentation (the "Quarterly Update"), which was presented to Jeffrey Quandt and his colleagues on Friday, June 15, 2018, and is being submitted for Mr. Quandt's reference.

The information contained in the Quarterly Update is proprietary and considered privileged and confidential, and has been labeled as such. Tesla has taken measures to ensure the foregoing identified information has not been disclosed, released publicly, or otherwise become available to any person outside of the Company, except as portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisors, or as discussed below. Some of the information contained in the Quarterly Update may have been released to outside consultants under binding nondisclosure agreements or similar mechanisms. Such disclosures do not compromise the confidential nature of the information because of the obligations of confidentiality imposed upon such advisors. Accordingly, the Company seeks confidential treatment for all of the information contained in the Quarterly Update, as marked with the phrase "Confidential Business Information (CBI)" on each slide and "CBI" in the file name.

Voluntarily Provided. The Quarterly Update is being provided to NHTSA on a voluntary basis as part of the open dialogue between NHTSA and Tesla. Submission of this information has been neither mandated nor otherwise required by any provision of the National Traffic and Motor Vehicle Safety Act or any other

federal law, statute, or regulation administered by the Agency. Accordingly, failure to protect the Quarterly Update as requested could harm NHTSA's ability to obtain such information in the future and the willingness Tesla has displayed in openly sharing this information.

Competitive Harm. The Quarterly Update is entitled to confidential treatment because release of the information would cause substantial competitive harm to Tesla. The Quarterly Update reveals Tesla's methodology for introducing Autopilot features, how Tesla conducts over-the-air ("OTA") software updates, and the data sources from which and the process by which Tesla evaluates field incidents. Additionally, the Quarterly Update reveals detailed information and images about recent improvements to Autopilot's vision, hands-on alert timing, driveable space, and radar-only braking, as well as improvements to our vehicle's speed-governing capability. Finally, the Quarterly Update reveals internal analyses of recent field incidents and investigations, including *Consumer Reports'* review of the Model 3's braking system and Tesla's OTA update in response. None of the aforementioned information is publicly available. It is considered confidential and proprietary, and Tesla takes great measures to guard and protect it. Absent public disclosure, access to the aforementioned information and all of the knowledge gained from it would require significant expenditure of time and resources, and would enable competitors to gain substantial competitive knowledge and an unfair advantage.

Personally Identifying Information. NHTSA has stated that it will protect personally identifying information. The Quarterly Update reveals sensitive information about how individual customers interacted with their vehicles at the time of their crashes. This information must be fully protected for privacy. Because the identities of the customers are publicly well-known and associated with the crashes, they are easily identifiable. This makes redacting Tesla's data collection and internal crash analysis insufficient to ensure that our customers' privacy is protected.

* * *

Based on the foregoing, we request that confidentiality be granted in perpetuity for the entire Quarterly Update. Thank you for your consideration. If you have any questions regarding this request, you may contact me at aprescott@tesla.com or (240) 994-5639.

Sincerely,

(b)(6)

Al Prescott
Associate General Counsel and
Director of Regulatory

From: Eric Williams [erwilliams@tesla.com]

To: Kolodziej, Kerry (NHTSA)

Sent: Wednesday, June 06, 2018 5:50:38 PM

Subject: Tesla - Supplemental CBI Submission for J. Quandt (VIN 60305)

Attachments: image001.gif (2 KB); image002.png (1 KB); image003.png (1 KB); image004.png (1 KB); CBI-Copy of Mar-19-2018.xlsx (378 KB); CBI-Copy of Mar-20-2018.xlsx (429 KB); CBI-Copy of Mar-21-2018.xlsx (335 KB); CBI-Copy of Mar-22-2018.xlsx (382 KB); Tesla Certificate of Confidentiality - June 6, 2018 - Supplement re. Mountain View.pdf (80 KB); Tesla Request for Confidentiality - June 6, 2018 - Supplement re. Mountain View (FINAL).pdf (88 KB);

Hi, Kerry –

Attached please find a CBI submission that supplements our May 18, 2018, response to a subpoena from NHTSA to produce information for an incident involving VIN (b)(6). Per normal Part 512 procedures, also attached are a request for confidentiality and a certificate of confidentiality, with which we are claiming confidential treatment of our submission in entirety. Per your guidance from May 4, 2017, we will not submit a separate hard copy of this submission.

Thank you, and please let me know if you have any questions.

Best,
Eric

Eric C. Williams | Sr. Regulatory Counsel | Legal

1050 K St., N.W., Ste. 101 | Washington, D.C. 20001-4792

p +1 508.272.8358 | e erwilliams@tesla.com



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CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Al Prescott, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

- (1) I am the Associate General Counsel, Regulatory, for Tesla, Inc. ("Tesla"), and I am authorized by that company to execute documents on behalf of Tesla.
- (2) The information contained in Tesla's June 6, 2018, submission, marked with "Confidential Business Information" or "CBI," is confidential and proprietary and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. § 522(b)(4), as modified pursuant to 49 C.F.R. § 512.
- (3) I have personally inquired of the responsible Tesla personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside of Tesla.
- (4) Based upon such inquiries, to the best of my knowledge, information and belief, the information for which Tesla has claimed confidential treatment has never been released or become available outside of Tesla except as hereinafter specified: the information or portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisers, or to outside testing laboratories and suppliers who have signed written non-disclosure agreements, or to foreign regulatory bodies who have requested such information where such submissions have been provided with a request for confidential treatment, or as otherwise discussed in the request for confidentiality.
- (5) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside of Tesla because of unauthorized or inadvertent disclosure except as stated in paragraph 4; and
- (6) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 6th day of June, 2018.

(b)(6)

Al Prescott



June 6, 2018

Jonathan C. Morrison
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590
ATTN: Kerry Kolodziej

Re: Request for Confidential Treatment – Supplement to Response to Subpoena to Produce Information for VIN 5YJXCAE28HF (b)(6)

Dear Mr. Morrison,

Pursuant to the provisions of 5 U.S.C. § 552(b)(4) and 49 C.F.R. § 512, Tesla, Inc. ("Tesla" or the "Company"), requests the National Highway Traffic Safety Administration ("NHTSA" or the "Agency"), Office of Chief Counsel, for confidential treatment of all of the information contained in the accompanying documents, which is being provided as a supplement in response to a subpoena from NHTSA, dated April 27, 2018, to produce information for an incident involving VIN 5YJXCAE28HF (b)(6) the "Submission").

The information contained in the Submission is proprietary and confidential, and has been labeled as such. Tesla has taken measures to ensure the foregoing identified information has not been disclosed, released publicly, or otherwise become available to any person outside of the Company, except as portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisors, or as discussed below. Some of the information contained in the Submission may have been released to outside consultants under binding nondisclosure agreements or similar mechanisms or shared confidentially with other government agencies. Such disclosures do not compromise the confidential nature of the information because of the obligations of confidentiality imposed upon such advisors. Accordingly, Tesla seeks confidential treatment for all of the information contained in the Submission, as marked with the phrase "Confidential Business Information" on each page and "CBI" in the file name.

Competitive Harm. The information is entitled to confidential treatment because release would cause substantial competitive harm to Tesla. The Submission reveals what information Tesla learns from

vehicles through over-the-air data collection, how Tesla's software works, and the process by which Tesla examines a field incident.

None of the aforementioned information is publicly available. Absent public disclosure, access to it and all of the knowledge gained from it would require significant expenditure of time and resources, and would enable competitors to gain knowledge and an unfair advantage.

Personal Identifying Information. NHTSA has stated that it will protect personally identifying information, such as a name, address, telephone number, or the last six digits of any VIN. The Submission reveals a customer's full VIN, along with sensitive information about how the customer interacted with his vehicle in the days leading to the crash. These piece of information must be protected for privacy. Moreover, because the identity of the driver is well-known in the public and associated with this incident, he is easily identifiable, and a redacted partial VIN would be insufficient to protect his privacy.

In order to protect the personal privacy of our customer, Tesla seeks confidential treatment of all of this personal identifying information, and believes it is further reason for NHTSA to grant confidentiality of the Submission in entirety.

* * *

Based on the foregoing, we request that confidentiality be granted in perpetuity for the entire Submission. Thank you for your consideration. If you have any questions regarding this request, you may contact me at aprescott@tesla.com or (240) 994-5639.

Sincerely,

(b)(6)

Al Prescott
Associate General Counsel and
Director of Regulatory

From: Eric Williams [erwilliams@tesla.com]

To: Kolodziej, Kerry (NHTSA)

Sent: Saturday, May 19, 2018 12:10:30 AM

Subject: Tesla CBI Submission for J. Quandt: Sales Data for Vehicles Equipped With/Without Autopilot

Attachments: image001.gif (2 KB); image002.png (1 KB); image003.png (1 KB); image004.png (1 KB); CBI-5102018 Autopilot Sales Data.xlsx (15 KB); Tesla Certificate of Confidentiality - May 2018 - Sales Data.pdf (80 KB); Tesla Request for Confidentiality - May 2018 - Sales Data.pdf (87 KB);

Hi, Kerry –

Attached please find a CBI submission in response to Jeffrey Quandt's request to provide monthly sales data on vehicles equipped with and without Autopilot since July 2016. Per normal Part 512 procedures, also attached are a request for confidentiality and a certificate of confidentiality, with which we are claiming confidential treatment for our submission in entirety. Per your guidance from May 4, 2017, we will not submit a separate hard copy of this submission.

Thank you, and please let me know if you have any questions.

Best,
Eric

Eric C. Williams | Sr. Regulatory Counsel | Legal

1050 K St., N.W., Ste. 101 | Washington, D.C. 20001-4792

p +1 508.272.8358 | e erwilliams@tesla.com



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CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Al Prescott, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

(1) I am the Associate General Counsel, Regulatory, for Tesla, Inc. ("Tesla"), and I am authorized by that company to execute documents on behalf of Tesla.

(2) The information contained in Tesla's May 18, 2018, submission, marked with "Confidential Business Information" or "CBI," is confidential and proprietary and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. § 522(b)(4), as modified pursuant to 49 C.F.R. § 512.

(3) I have personally inquired of the responsible Tesla personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside of Tesla.

(4) Based upon such inquiries, to the best of my knowledge, information and belief, the information for which Tesla has claimed confidential treatment has never been released or become available outside of Tesla except as hereinafter specified: the information or portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisers, or to outside testing laboratories and suppliers who have signed written non-disclosure agreements, or to foreign regulatory bodies who have requested such information where such submissions have been provided with a request for confidential treatment, or as otherwise discussed in the request for confidentiality.

(5) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside of Tesla because of unauthorized or inadvertent disclosure except as stated in paragraph 4; and

(6) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 18th day of May, 2018.

(b)(6)

Al Prescott



May 19, 2018

Jonathan C. Morrison
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590
ATTN: Kerry Kolodziej

Re: Request for Confidential Treatment – Response to NHTSA's Request for Sales Data on Vehicles Equipped With and Without Autopilot

Dear Mr. Morrison,

Pursuant to the provisions of 5 U.S.C. § 552(b)(4) and 49 C.F.R. § 512, Tesla, Inc. ("Tesla" or the "Company"), requests the National Highway Traffic Safety Administration ("NHTSA" or the "Agency"), Office of Chief Counsel, for confidential treatment of all of the information contained in the attached submission, which is being provided in response to a request from Jeffrey Quandt to provide monthly sales data on vehicles equipped with and without Autopilot since July 2016 (the "Submission").

The information contained in the Submission is proprietary and considered confidential, and has been labeled as such. Tesla has taken measures to ensure the foregoing identified information has not been disclosed, released publicly, or otherwise become available to any person outside of the Company, except as portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisors, or as discussed below. Some of the information contained in the Submission may have been released to outside consultants under binding nondisclosure agreements or similar mechanisms or provided confidentially to other government authorities. Such disclosures do not compromise the confidential nature of the information because of the obligations of confidentiality imposed. Accordingly, Tesla seeks confidential treatment for all of the information contained in the Submission, as marked with the phrase "Confidential Business Information" on each page and "CBI" in the file name.

Voluntarily Provided. The Submission is being provided to NHTSA on a voluntary basis as part of the open dialogue between NHTSA and Tesla. The Submission was neither mandated nor otherwise required by any provision of the National Traffic and Motor Vehicle Safety Act or any other federal law, statute, or regulation administered by the Agency. Accordingly, failure to protect the Submission per Tesla's request

could harm NHTSA's ability to obtain such information in the future and the willingness Tesla has displayed in openly sharing information.

Competitive Harm. The Submission details the monthly sales of Tesla vehicles in all markets since July 2016 that are equipped with and without Autopilot. Tesla takes extensive measures to guard and protect this information, and public release of it would substantially harm the Company by revealing to competitors information about Tesla's sales by month, market, and equipment, as well as information about Tesla's evolving vehicle production and global market performance. With this information, competitors could adjust their own equipment options to better compete against Tesla, and make other production- or marketing-related decisions much to Tesla's substantial detriment. Access to this confidential information and all of the knowledge gained from it would otherwise require significant expenditure, resulting in cost savings.

* * *

Based on the foregoing, we request that confidentiality be granted in perpetuity in entirety for the Submission. Thank you for your consideration. If you have any questions regarding this request, you may contact me at aprescott@tesla.com or (240) 994-5639.

Sincerely,

(b)(6)

Al Prescott
Associate General Counsel, Regulatory

From: Eric Williams [erwilliams@tesla.com]

To: Kolodziej, Kerry (NHTSA)

Sent: Friday, May 18, 2018 10:35:36 PM

Subject: Courtesy Copy: Tesla CBI Submission for J. Quandt (VINs 59632 and 60305)

Attachments: image001.gif (2 KB); image002.png (1 KB); image003.png (1 KB); image004.png (1 KB); Tesla Certificate of Confidentiality - May 2018 - Subpoena re. Culver City and Mountain View.pdf (80 KB); Tesla Request for Confidentiality - May 2018 - Subpoena re. Culver City and Mountain View (FINAL).pdf (87 KB); CBI-NHTSA-Response_Letter-Subpoenas-MountainView-CulverCity-5-18-2018.pdf (176 KB);

Hi, Kerry:

Attached please find courtesy copies of part of Tesla's response to two subpoenas from NHTSA on April 27, 2018, to produce information for separate incidents involving VINs 5YJSA1H13EFP59632 and 5YJXCAE28HF060305. Per normal Part 512 procedures, also attached are a request for confidentiality and a certificate of confidentiality, with which we are claiming confidential treatment for our submission in entirety. I will provide hard copies of the attached, along with two USBs that will comprise the rest of our submission (too large to send by email), by FedEx for a Monday morning delivery to your office.

Thank you, and please let me know if you have any questions.

Best,
Eric

Eric C. Williams | Sr. Regulatory Counsel | Legal

1050 K St., N.W., Ste. 101 | Washington, D.C. 20001-4792

p +1 508.272.8358 | e erwilliams@tesla.com



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CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Al Prescott, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

(1) I am the Associate General Counsel, Regulatory, for Tesla, Inc. ("Tesla"), and I am authorized by that company to execute documents on behalf of Tesla.

(2) The information contained in Tesla's May 18, 2018, submission, marked with "Confidential Business Information" or "CBI," is confidential and proprietary and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. § 522(b)(4), as modified pursuant to 49 C.F.R. § 512.

(3) I have personally inquired of the responsible Tesla personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside of Tesla.

(4) Based upon such inquiries, to the best of my knowledge, information and belief, the information for which Tesla has claimed confidential treatment has never been released or become available outside of Tesla except as hereinafter specified: the information or portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisers, or to outside testing laboratories and suppliers who have signed written non-disclosure agreements, or to foreign regulatory bodies who have requested such information where such submissions have been provided with a request for confidential treatment, or as otherwise discussed in the request for confidentiality.

(5) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside of Tesla because of unauthorized or inadvertent disclosure except as stated in paragraph 4; and

(6) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 18th day of May, 2018.

(b)(6)

Al Prescott



May 18, 2018

Jonathan C. Morrison
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590
ATTN: Kerry Kolodziej

Re: Request for Confidential Treatment – Response to Subpoenas to Produce Information for VINs
5YJSA1H13EFP (b)(6) and 5YJXCAE28HF (b)(6)

Dear Mr. Morrison,

Pursuant to the provisions of 5 U.S.C. § 552(b)(4) and 49 C.F.R. § 512, Tesla, Inc. ("Tesla" or the "Company"), requests the National Highway Traffic Safety Administration ("NHTSA" or the "Agency"), Office of Chief Counsel, for confidential treatment of all of the information contained in the attached response and accompanying documents, which is being provided in response to two subpoenas from NHTSA, dated April 27, 2018, to produce information for separate incidents involving VINs 5YJSA1H13EFP (b)(6) and 5YJXCAE28HF (b)(6) (the "Submission").

The information contained in the Submission is proprietary and confidential, and has been labeled as such. Tesla has taken measures to ensure the foregoing identified information has not been disclosed, released publicly, or otherwise become available to any person outside of the Company, except as portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisors, or as discussed below. Some of the information contained in the Submission may have been released to outside consultants under binding nondisclosure agreements or similar mechanisms or shared confidentially with other government agencies. Such disclosures do not compromise the confidential nature of the information because of the obligations of confidentiality imposed upon such advisors. Accordingly, Tesla seeks confidential treatment for all of the information contained in the Submission, as marked with the phrase "Confidential Business Information" on each page and "CBI" in the file name.

Competitive Harm. The information is entitled to confidential treatment because release would cause substantial competitive harm to Tesla. The Submission reveals the process by which Tesla identifies and

examines field incidents, learns from vehicles through data collection, how Tesla conducts over-the-air updates and customer service, and how Tesla's software works.

None of the aforementioned information is publicly available. Absent public disclosure, access to it and all of the knowledge gained from it would require significant expenditure of time and resource, and would enable competitors to gain knowledge an unfair advantage

Personal Identifying Information and Service History. NHTSA has stated that it will protect personally identifying information, such as a name, address, telephone number, or the last six digits of any VIN. The Submission reveals the name, home address, email, and phone number of two customers. The data also contains sensitive information about how individual drivers interacted with their vehicle at the time of crashes, which must be protected for privacy. Because the identities of the drivers are well-known in the public and associated with these incidents, they are easily identifiable, a redacted partial VIN is insufficient to protect privacy.

Therefore, in order to protect the personal privacy of our customers, Tesla seeks confidential treatment of all of this personal identifying information, and believes it is further reason for NHTSA to grant confidentiality of the Submission in entirety.

* * *

Based on the foregoing, we request that confidentiality be granted in perpetuity for the entire Submission. Thank you for your consideration. If you have any questions regarding this request, you may contact me at aprescott@tesla.com or (240) 994-5639.

Sincerely,

(b)(6)

Al Prescott
Associate General Counsel and
Director of Regulatory

From: Eric Williams [erwilliams@tesla.com]

To: Kolodziej, Kerry (NHTSA)

Sent: Friday, June 07, 2019 4:25:23 PM

Subject: Tesla -- Confidential Submission re. DBS Test Results

Attachments: image002.png (1 KB); CBI-01_NHTSA_DBS_Internal_Tests.pdf (1199 KB); CBI-02_TR-0002455_NHTSA_AEB_M3_M3RC082_BB (Sept. 2017).pdf (12589 KB); CBI-03_TR-0002652_NHTSA_DBS_M3_3-010116_AA_Print (June 2019).pdf (13554 KB); Tesla Certificate of Confidentiality - June 2019 - Model 3 DBS Tests.pdf (80 KB); Tesla Request for Confidentiality - June 2019 - Model 3 DBS Tests.pdf (87 KB);

Hi, Kerry –

Thanks for your call earlier today. Attached is a complete confidential submission for Jenny Dang and Taryn Rockwell ASAP. We were able to reduce the file sizes to avoid a thumb drive or hard copy mailing. Per normal Part 512 procedures, also attached are a request for confidentiality and a certificate of confidentiality, with which we are claiming confidential treatment for the submission in entirety. Per your guidance from May 4, 2017, we will not submit a separate hard copy of this submission.

Thank you, and please let me know if you have any questions.

Best,
Eric

Eric C. Williams | Managing Counsel, Regulatory | Legal

1050 K St. N.W., Ste. 101, Washington, D.C. 20001-4792

m (b)(6) | erwilliams@tesla.com

T E S L A



CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Al Prescott, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

- (1) I am the Deputy General Counsel, Regulatory, for Tesla, Inc. ("Tesla"), and I am authorized by that company to execute documents on behalf of Tesla.
- (2) The information contained in Tesla's June 7, 2019, submission, marked with "Confidential Business Information" or "CBI," is confidential and proprietary and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. § 522(b)(4), as modified pursuant to 49 C.F.R. § 512.
- (3) I have personally inquired of the responsible Tesla personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside of Tesla.
- (4) Based upon such inquiries, to the best of my knowledge, information and belief, the information for which Tesla has claimed confidential treatment has never been released or become available outside of Tesla except as hereinafter specified: the information or portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisers, or to outside testing laboratories and suppliers who have signed written non-disclosure agreements, or to foreign regulatory bodies who have requested such information where such submissions have been provided with a request for confidential treatment, or as otherwise discussed in the request for confidentiality.
- (5) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside of Tesla because of unauthorized or inadvertent disclosure except as stated in paragraph 4; and
- (6) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 7th day of June, 2019.

A handwritten signature in cursive script that reads "Al Prescott".

Al Prescott



June 7, 2019

Jonathan C. Morrison
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590
ATTN: Kerry Kolodziej

Re: Request for Confidential Treatment – DBS Test Reports and Accompanying Information

Dear Mr. Morrison,

On behalf of Tesla, Inc. ("Tesla" or the "Company"), and pursuant to the provisions of 5 U.S.C. § 552(b)(4) and 49 C.F.R. § 512, this submission to the National Highway Traffic Safety Administration ("NHTSA" or the "Agency") hereby petitions the Office of Chief Counsel for confidential treatment of all of the information contained in the two test reports and accompanying information (collectively, the "Submission").

The information contained in the Submission is proprietary and considered privileged and confidential, and has been labeled as such. Tesla has taken measures to ensure the foregoing identified information has not been disclosed, released publicly, or otherwise become available to any person outside of the Company, except as portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisors, or as discussed below. Some of the information contained in the Submission may have been released to outside consultants under binding nondisclosure agreements or similar mechanisms. Such disclosures do not compromise the confidential nature of the information because of the obligations of confidentiality imposed upon such advisors. Accordingly, Tesla seeks confidential treatment for all of the information contained in the Submission, as marked with the phrase "Confidential Business Information" on each page and "CBI" in the file name.

Voluntarily Provided. The Submission is being provided to NHTSA on a voluntary basis as part of the open dialogue between NHTSA and Tesla. The Submission was neither mandated nor otherwise required by any provision of the National Traffic and Motor Vehicle Safety Act or any other federal law, statute, or regulation administered by the Agency. Accordingly, failure to protect the Submission per Tesla's request

could harm NHTSA's ability to obtain such information in the future and the willingness Tesla has displayed in openly sharing information.

Competitive Harm. The information provided in the Submission is entitled to confidential treatment under 5 U.S.C. § 552(b)(4) and at 49 C.F.R. § 512, because release of this information would cause substantial competitive harm to Tesla. The Submission includes internal test results, conclusions, and recommendations about Model 3's dynamic brake support, including test photos, detailed charts and diagrams, and information about the specific procedures that Tesla uses to internally test equipment. The Submission also includes internal analysis of the test reports that provides insight into Tesla's business practices and test methodology. The business and technical information contained in the Submission is not available outside the Company. Tesla goes to great lengths to protect this information and the knowledge gained from it. If released, such information would provide proprietary information about Tesla's technology and business practices, both of which are commercially valuable and whose accessibility would otherwise require significant expenditure, resulting in cost savings.

* * *

Based on the foregoing, we request that confidentiality be granted in perpetuity in entirety for Tesla's Submission. Thank you for your consideration. If you have any questions regarding this request, you may contact me at aprescott@tesla.com or (240) 994-5639.

Sincerely,

A handwritten signature in black ink that reads "Al Prescott". The signature is written in a cursive, slightly stylized font.

Al Prescott
Deputy General Counsel, Regulatory

From: Eric Williams [erwilliams@tesla.com]
To: Casselle, Justine (NHTSA)
Sent: Thursday, July 19, 2018 1:25:53 PM
Subject: RE: Withdrawal of Confidentiality Request
Attachments: Example Language and Tables.pdf (527 KB);

Justine, Kerry

We discussed this matter internally. We agree to waive our request for confidentiality for the attached tables and accompanying narrative, with exception to the following two sentences: *During steady state operation, the data stream was recorded in one-second intervals. Data was recorded at a higher frequency during the times when a change in state of key parameters occurred; for example, when warnings were issued or the (on/off) status of driver assistance features occurred.* These sentences reveal information whose confidentiality should be preserved for the reasons stated in our original request.

Additionally, because much of the waived information came from a customers vehicle, we have some privacy concerns with its publication. While we expect NHTSAs report will be anonymized to avoid sharing private information, previous publicity of the crash and of the vehicle owner could easily become associated with it. Therefore, we recommend that NHTSA obtain the vehicle owners consent prior to publishing the report.

Please let me know if you have any questions.

Thanks,
Eric

From: Eric Williams
Sent: Friday, July 13, 2018 10:31 AM
To: Casselle, Justine (NHTSA) <justine.casselle@dot.gov>
Cc: Kolodziej, Kerry (NHTSA) <Kerry.Kolodziej@dot.gov>
Subject: Re: Withdrawal of Confidentiality Request

Thank you, Justine, and apologies for not replying earlier.

We're still discussing internally. I'll follow-up with Kerry after we reach a decision.

Thanks again,

Eric C. Williams
Sr. Regulatory Counsel
Tesla, Inc.

On Jul 13, 2018, at 09:52, Casselle, Justine (NHTSA) <justine.casselle@dot.gov> wrote:

Eric,

I am following up on whether Tesla will agree to withdraw its confidentiality request as to the Vehicle Data Log for the Pennsylvania crash on July 1, 2016.

I also want to let you know that I will be out of the country for the next two weeks. While I am out, Kerry Kolodziej (copied here) will be handling this matter. Feel free to reach out to her directly.

Thanks,
Justine

The data contained a chronological time history of multiple operational parameters including: vehicle speed, accelerator pedal position, brake status, steering wheel angle, cruise control state, autosteer state and warnings, lead vehicle presence and distance, front and rear motor torque, vehicle odometer, and diagnostics trouble codes.

The data log was approximately 23 hours-50 minutes in length and was recorded over a two day time period. During a portion of that duration, the vehicle was stationary. The subset of the data leading up to the crash was approximately 48-minutes long. (b)(4)

(b)(4)

(b)(4)

Over the majority of the reported time, the Tesla was traveling with the cruise control engaged at 105 km/h (65 mph). The “autopilot” features were active for approximately 44 minutes in the drive cycle leading up to the crash.

The vehicle’s manufacturer reported that this Tesla was utilizing firmware version 2.24.78 at the time of the crash.

	DRC1	DRC2	DRC3	Total
Autopilot activations	24	25	6	55
Driving time, hh:mm:ss	2:00:21	1:23:29	0:48:14	4:12:04
Autopilot time, hh:mm:ss	1:34:55	1:01:49	0:44:36	3:21:14
% of time in Autopilot	79%	74%	92%	80%
Trip distance, miles	107.0	85.2	50.8	242.9
Autopilot distance, miles	98.6	72.7	48.2	219.5
% miles in Autopilot	92%	85%	95%	90%
Hands On Wheel Visual alerts	14	20	14	48
Hands On Wheel First Chime alerts	12	19	14	45
Hands On Wheel Enhanced Chime alerts	12	12	13	37
Hands On Wheel Slowing alerts	9	6	12	27
TOTAL HANDS ON WHEEL ALERTS	47	57	53	157
Average response time to initial HOW alerts: sec	31.7	26.0	33.3	29.8
Hands On Wheel Detections	138	135	38	311
Autopilot time with hands on wheel, h:mm:ss	0:00:41	0:00:48	0:00:07	0:01:36
Autopilot time with hands off wheel, h:mm:ss	1:30:36	0:59:49	0:44:29	3:14:55
% Autopilot time with hands on wheel	0.7%	1.3%	0.3%	0.8%
Brake applies	73	39	4	116
Steering overrides	17	20	5	42

Time (seconds)	Alert/Warning Driver Action	Vehicle Speed km/h (mph)	Accelerator Pedal Position (%)	Brake Status	Steering Wheel Angle
-60.5		105 (65.1)	0	Off	0.40002
-44.7	Visual Hands-on required				
-44.5		105 (65.0)	0	Off	-6.00000
-29.7	Chime 1 Hands-on required				
-29.5		105 (65.0)	0	Off	-1.00000
-19.7	Chime 2 Hands-on required				
-19.1		105 (65.0)	0	Off	4.70001
-14.7	Abort - Slowing Hands-on required				
-14.5		105 (65.0)	0	Off	-0.09998
-11.5		97 (60.25)	0	Off	-1.29999
-11.1	Hands-on Detected				
-11.0	Cruise Control Override				
-10.9	Steering Override Hands on Not Required				
-10.5		94 (58.7)	41.6	Off	-5.29999
-10.3	Cruise Control Enabled				
-9.5		97 (60.35)	0	Off	-0.59998
-4.5		105 (65.15)	0	Off	-0.59998
-0.5		105 (65.05)	0	Off	0.20001
0.0 Event 1	Stream of codes indicative of a crash				
0.1		96 (59.65)	0	On	-131.2
1.5		101 (62.8)	100	Off	162.5
1.7 Event 2	Stream of codes indicative of a crash				

<image001.png>

Justine S. Casselle
Senior Trial Attorney
Office of Chief Counsel
National Highway Traffic Safety
Administration
U.S. Department of Transportation

<image002.png>

<image003.png>

<image004.png>

From: Casselle, Justine (NHTSA)
Sent: Wednesday, July 11, 2018 11:25 AM
To: 'Eric Williams' <erwilliams@tesla.com>
Cc: Casselle, Justine (NHTSA) <justine.casselle@dot.gov>
Subject: RE: Withdrawal of Confidentiality Request

Eric,

As a follow-up to our call yesterday, attached is a copy of the Vehicle Data Log submission from Tesla, associated emails and associated attachments.

I confirmed with our investigator that, in the narrative of the report, references to the Vehicle Data Log are based on the data listed in the tables I previously shared. However, there is a note of the vehicles odometer reading (not in the tables), that reads as follows:

The vehicle data log reported that the odometer mileage was 425 km (264 miles).

I hope this additional information is helpful.

Thanks,
Justine

<image001.png>

Justine S. Casselle
Senior Trial Attorney
Office of Chief Counsel
National Highway Traffic Safety
Administration
U.S. Department of Transportation

<image002.png>

<image003.png>

<image004.png>

From: Casselle, Justine (NHTSA)
Sent: Tuesday, July 10, 2018 9:39 AM
To: 'Eric Williams' <erwilliams@tesla.com>
Subject: RE: Withdrawal of Confidentiality Request

Eric,

The attachment was examples of language used to describe the data, as well as tables encompassing the data from the vehicle data log. Similar to the Florida report, this report will have narrative that references the data in the tables I shared yesterday.

I hope that answers your question.

Thanks,
Justine

From: Eric Williams [<mailto:erwilliams@tesla.com>]

Sent: Monday, July 09, 2018 3:35 PM
To: Casselle, Justine (NHTSA) <justine.casselle@dot.gov>
Subject: RE: Withdrawal of Confidentiality Request

Thank you, Justine. Does the attachment encompass the entirety of the reports use of the vehicle data log information?

From: Casselle, Justine (NHTSA) [<mailto:justine.casselle@dot.gov>]
Sent: Monday, July 09, 2018 2:01 PM
To: Eric Williams <erwilliams@tesla.com>
Cc: Casselle, Justine (NHTSA) <justine.casselle@dot.gov>
Subject: Withdrawal of Confidentiality Request

Eric,

Per our discussion this morning, please let me know if Tesla will agree to withdraw its request for confidentiality for the Vehicle Data Log for the Pennsylvania crash on July 1, 2016. NHTSA intends to use information from the Vehicle Data Log similar to how it was used in the Florida crash report (attached).

For your convenience, I've attached examples of language and tables related to the Vehicle Data Log, as well as your letter requesting confidential treatment. Please let me know if you have any questions.

Thanks,
Justine

<[image001.png](#)>

Justine S. Casselle
Senior Trial Attorney
Office of Chief Counsel

Department of Transportation
National Highway Traffic Safety
Administration

<[image002.png](#)>

<[image003.png](#)>

<[image004.png](#)> 1200 New Jersey Avenue SE.,

Washington, DC 20590

Office: 202-366-2992 Direct: 202-
366-8721

From: Eric Williams [erwilliams@tesla.com]

To: Kolodziej, Kerry (NHTSA)

Sent: Friday, May 18, 2018 11:51:20 PM

Subject: RE: Courtesy Copy: Tesla CBI Submission for J. Quandt (VINs (b)(6) and (b)(6))

Attachments: image001.gif (2 KB); image002.png (1 KB); image003.png (1 KB); image004.png (1 KB); Tesla Certificate of Confidentiality - May 2018 - Subpoena re. Culver Ci....pdf (80 KB); Tesla Request for Confidentiality - May 2018 - Subpoena re. Culver Citypdf (87 KB); CBI-NHTSA-Response_Letter-Subpoenas-MountainView-CulverCity-5-18-2018.pdf (176 KB); CBI-CulverCity-5YJSA1H13EFP(b)(6).zip1 (4986 KB); CBI-MountainView-5YJXCAE28HF(b)(6).zip1 (5055 KB);

Hi, Kerry –

As a follow-up to my submission below, attached is all of Tesla's CBI response to the two subpoenas except for two video files that are too large to electronically submit. I will still provide a hard copy of all the attached along with the video files, as explained below, but I wanted to provide as much information as possible now to ensure that Jeff Quandt has the opportunity to review at his convenience. We will explain this to Jeff separately. Please note that part of this CBI submission includes two .zip files. Because NHTSA's server will otherwise block this kind of file, I have added one character at the end of each .zip file (a "1"). Upon receipt, Jeff Quandt can remove this character to access the contents of the folder as normal. Will you please draw his attention to this detail?

Again, thank you and please let me know if you have any questions.

Best,
Eric

From: Eric Williams

Sent: Friday, May 18, 2018 10:36 PM

To: Kolodziej, Kerry (NHTSA) <Kerry.Kolodziej@dot.gov>

Cc: Al Prescott <aprescott@tesla.com>

Subject: Courtesy Copy: Tesla CBI Submission for J. Quandt (VINs (b)(6) and (b)(6))

Hi, Kerry:

Attached please find courtesy copies of part of Tesla's response to two subpoenas from NHTSA on April 27, 2018, to produce information for separate incidents involving VINs 5YJSA1H13EFP(b)(6) and 5YJXCAE28HF(b)(6). Per normal Part 512 procedures, also attached are a request for confidentiality and a certificate of confidentiality, with which we are claiming confidential treatment for our submission in entirety. I will provide hard copies of the attached, along with two USBs that will comprise the rest of our submission (too large to send by email), by FedEx for a Monday morning delivery to your office.

Thank you, and please let me know if you have any questions.

Best,
Eric

Eric C. Williams | Sr. Regulatory Counsel | Legal

1050 K St., N.W., Ste. 101 | Washington, D.C. 20001-4792

p +1 508.272.8358 | e erwilliams@tesla.com

TESLA

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Please consider the environment before printing this email.

From: Eric Williams [erwilliams@tesla.com]

To: Kolodziej, Kerry (NHTSA)

Sent: Friday, May 18, 2018 10:35:36 PM

Subject: Courtesy Copy: Tesla CBI Submission for J. Quandt (VINs 59632 and 60305)

Attachments: image001.gif (2 KB); image002.png (1 KB); image003.png (1 KB); image004.png (1 KB); Tesla Certificate of Confidentiality - May 2018 - Subpoena re. Culver City and Mountain View.pdf (80 KB); Tesla Request for Confidentiality - May 2018 - Subpoena re. Culver City and Mountain View (FINAL).pdf (87 KB); CBI-NHTSA-Response_Letter-Subpoenas-MountainView-CulverCity-5-18-2018.pdf (176 KB);

Hi, Kerry:

Attached please find courtesy copies of part of Tesla's response to two subpoenas from NHTSA on April 27, 2018, to produce information for separate incidents involving VINs 5YJSA1H13EFP[REDACTED] and 5YJXCAE28HF[REDACTED]. Per normal Part 512 procedures, also attached are a request for confidentiality and a certificate of confidentiality, with which we are claiming confidential treatment for our submission in entirety. I will provide hard copies of the attached, along with two USBs that will comprise the rest of our submission (too large to send by email), by FedEx for a Monday morning delivery to your office.

Thank you, and please let me know if you have any questions.

Best,
Eric

Eric C. Williams | Sr. Regulatory Counsel | Legal

1050 K St., N.W., Ste. 101 | Washington, D.C. 20001-4792

p +1 508.272.8358 | e erwilliams@tesla.com



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Please consider the environment before printing this email.



CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Al Prescott, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

- (1) I am the Associate General Counsel, Regulatory, for Tesla, Inc. ("Tesla"), and I am authorized by that company to execute documents on behalf of Tesla.
- (2) The information contained in Tesla's May 18, 2018, submission, marked with "Confidential Business Information" or "CBI," is confidential and proprietary and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. § 522(b)(4), as modified pursuant to 49 C.F.R. § 512.
- (3) I have personally inquired of the responsible Tesla personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside of Tesla.
- (4) Based upon such inquiries, to the best of my knowledge, information and belief, the information for which Tesla has claimed confidential treatment has never been released or become available outside of Tesla except as hereinafter specified: the information or portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisers, or to outside testing laboratories and suppliers who have signed written non-disclosure agreements, or to foreign regulatory bodies who have requested such information where such submissions have been provided with a request for confidential treatment, or as otherwise discussed in the request for confidentiality.
- (5) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside of Tesla because of unauthorized or inadvertent disclosure except as stated in paragraph 4; and
- (6) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 18th day of May, 2018.

A handwritten signature in cursive script that reads "Al Prescott".

Al Prescott



May 18, 2018

Jonathan C. Morrison
 Chief Counsel
 National Highway Traffic Safety Administration
 1200 New Jersey Avenue, S.E.
 Washington, D.C. 20590
 ATTN: Kerry Kolodziej

Re: Request for Confidential Treatment – Response to Subpoenas to Produce Information for VINs 5YJSA1H13EFP (b)(6) and 5YJXCAE28HF (b)(6)

Dear Mr. Morrison,

Pursuant to the provisions of 5 U.S.C. § 552(b)(4) and 49 C.F.R. § 512, Tesla, Inc. (“Tesla” or the “Company”), requests the National Highway Traffic Safety Administration (“NHTSA” or the “Agency”), Office of Chief Counsel, for confidential treatment of all of the information contained in the attached response and accompanying documents, which is being provided in response to two subpoenas from NHTSA, dated April 27, 2018, to produce information for separate incidents involving VINs 5YJSA1H13EFP (b)(6) and 5YJXCAE28HF (b)(6) (the “Submission”).

The information contained in the Submission is proprietary and confidential, and has been labeled as such. Tesla has taken measures to ensure the foregoing identified information has not been disclosed, released publicly, or otherwise become available to any person outside of the Company, except as portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisors, or as discussed below. Some of the information contained in the Submission may have been released to outside consultants under binding nondisclosure agreements or similar mechanisms or shared confidentially with other government agencies. Such disclosures do not compromise the confidential nature of the information because of the obligations of confidentiality imposed upon such advisors. Accordingly, Tesla seeks confidential treatment for all of the information contained in the Submission, as marked with the phrase “Confidential Business Information” on each page and “CBI” in the file name.

Competitive Harm. The information is entitled to confidential treatment because release would cause substantial competitive harm to Tesla. The Submission reveals the process by which Tesla identifies and

examines field incidents, learns from vehicles through data collection, how Tesla conducts over-the-air updates and customer service, and how Tesla's software works.

None of the aforementioned information is publicly available. Absent public disclosure, access to it and all of the knowledge gained from it would require significant expenditure of time and resource, and would enable competitors to gain knowledge an unfair advantage

Personal Identifying Information and Service History. NHTSA has stated that it will protect personally identifying information, such as a name, address, telephone number, or the last six digits of any VIN. The Submission reveals the name, home address, email, and phone number of two customers. The data also contains sensitive information about how individual drivers interacted with their vehicle at the time of crashes, which must be protected for privacy. Because the identities of the drivers are well-known in the public and associated with these incidents, they are easily identifiable, a redacted partial VIN is insufficient to protect privacy.

Therefore, in order to protect the personal privacy of our customers, Tesla seeks confidential treatment of all of this personal identifying information, and believes it is further reason for NHTSA to grant confidentiality of the Submission in entirety.

* * *

Based on the foregoing, we request that confidentiality be granted in perpetuity for the entire Submission. Thank you for your consideration. If you have any questions regarding this request, you may contact me at aprescott@tesla.com or (240) 994-5639.

Sincerely,

A handwritten signature in black ink that reads "Al Prescott". The signature is written in a cursive, flowing style.

Al Prescott
Associate General Counsel and
Director of Regulatory

From: Eric Williams [erwilliams@tesla.com]

To: Kolodziej, Kerry (NHTSA)

Sent: Friday, January 26, 2018 6:59:52 PM

Subject: Tesla CBI Submission for Jeffrey Quandt: Backup Camera Information in Response to ODI Request

Attachments: image001.gif (2 KB); image002.png (1 KB); image003.png (1 KB); image004.png (1 KB); CBI - NHTSA backup camera 1-25-2018.pdf (361 KB); Tesla Certificate of Confidentiality (Backup Camera) - January 26, 2018.pdf (80 KB); Tesla Request for Confidentiality (Backup Camera) - January 26, 2018.pdf (98 KB);

Hi, Kerry –

Attached please find a CBI submission about Tesla's backup camera, the contents of which we presented to Jeffrey Quandt yesterday. We are submitting this copy for his reference. Per normal Part 512 procedures, also attached are a request for confidentiality and a certificate of confidentiality. We request confidential treatment for all of the information in the submission.

The submission is attached in entirety. Per your guidance from May 4, 2017, we will not submit a separate hard copy of this submission. Thank you, and please let me know if you have any questions.

Best,
Eric

Eric C. Williams | Sr. Regulatory Counsel | Legal

1050 K St., N.W., Ste. 101 | Washington, D.C. 20001-4792

p +1 508.272.8358 | e erwilliams@tesla.com

TESLA

The content of this message is the proprietary and confidential property of Tesla, Inc., and should be treated as such. If you are not the intended recipient and have received this message in error, please delete this message from your computer system and notify me immediately by reply e-mail. Any unauthorized use or distribution of the content of this message is prohibited. Thank you.



Please consider the environment before printing this email.



CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Al Prescott, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

- (1) I am the Associate General Counsel, Regulatory, for Tesla, Inc. ("Tesla"), and I am authorized by that company to execute documents on behalf of Tesla.
- (2) The information contained in Tesla's January 26, 2018, submission, marked with "Confidential Business Information" and "CBI," is confidential and proprietary and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. § 522(b)(4) and 49 C.F.R. § 512.
- (3) I have personally inquired of the responsible Tesla personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside of Tesla.
- (4) Based upon such inquiries, to the best of my knowledge, information and belief, the information for which Tesla has claimed confidential treatment has never been released or become available outside of Tesla except as hereinafter specified: the information or portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisers, or to outside testing laboratories and suppliers who have signed written non-disclosure agreements, or to foreign regulatory bodies who have requested such information where such submissions have been provided with a request for confidential treatment, or as otherwise discussed in the request for confidentiality.
- (5) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside of Tesla because of unauthorized or inadvertent disclosure except as stated in paragraph 4; and
- (6) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 26th day of January, 2018.

A handwritten signature in cursive script that reads "Al Prescott".

Al Prescott



January 26, 2018

Jonathan C. Morrison
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590
ATTN: Kerry Kolodziej

Re: Request for Confidential Treatment – Backup Camera Information in Response to ODI Request

Dear Mr. Morrison,

On behalf of Tesla, Inc. ("Tesla" or the "Company"), and pursuant to the provisions of 5 U.S.C. § 552(b)(4) and 49 C.F.R. § 512, this submission to the National Highway Traffic Safety Administration ("NHTSA" or the "Agency") hereby requests confidential treatment of all of the information in Tesla's presentation about its backup camera. Tesla presented the presentation to Jeffrey Quandt on Thursday, January 25, 2018.

The information contained in the submission is proprietary and considered privileged and confidential, and has been labeled as such. Tesla has taken measures to ensure the foregoing identified information has not been disclosed, released publicly, or otherwise become available to any person outside of the Company, except as portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisors, or as discussed below. Some of the information contained in the submission may have been released to outside consultants under binding nondisclosure agreements or similar mechanisms. Such disclosures do not compromise the confidential nature of the information because of the obligations of confidentiality imposed upon such advisors. Accordingly, the Company seeks confidential treatment for all of the information contained in the submission, as marked with the phrase "Confidential Business Information" on each page and "CBI" in the file name.

Voluntarily Provided. The submission is being provided to NHTSA on a voluntary basis as part of the open dialogue between NHTSA and Tesla. The submission was neither mandated nor otherwise required by any provision of the National Traffic and Motor Vehicle Safety Act or any other federal law, statute, or regulation administered by the Agency. Accordingly, failure to protect the submission per Tesla's request

could harm NHTSA's ability to obtain such information in the future and the willingness Tesla has displayed in openly sharing information.

Competitive Harm. The information provided in the submission is entitled to confidential treatment under 5 U.S.C. § 552(b)(4) and NHTSA regulations at 49 C.F.R. § 512, because release of this information would cause substantial competitive harm to Tesla. The submission reveals the architecture surrounding the backup camera signal and diagnostics, including the driver-assist system and center screen display. This architecture cannot be determined without disassembly and/or testing of vehicle components. Tesla considers the backup camera architecture to be confidential business information because it reveals elements of Tesla's design and diagnostic strategy for the backup camera. If disclosed, competitors could use this information to shortcut or improve the design and development of their own features, creating a competitive advantage that would have otherwise required significant expenditure of time and resources.

* * *

Based on the foregoing, we request that NHTSA grant confidentiality of the submission in entirety in perpetuity. We would appreciate your notifying us of your decision as soon as practicable. Thank you for your consideration. If you have any questions regarding this request, you may contact me at aprescott@tesla.com or (240) 994-5639.

Sincerely,

A handwritten signature in black ink that reads "Al Prescott". The signature is written in a cursive, flowing style.

Al Prescott
Associate General Counsel, Regulatory

From: Eric Williams [erwilliams@tesla.com]

To: Kolodziej, Kerry (NHTSA)

Sent: Monday, June 03, 2019 11:04:54 PM

Subject: Tesla CBI Submission for J. Quandt -- Key Largo Crash

Attachments: image003.png (1 KB); Tesla Request for Confidentiality - June 2019 - NHTSA Request; Key Largo Crash (FINAL).pdf (88 KB); CBI_Carlog_5YJSA1E24KF302997.xlsx (662 KB); CBI_Video_5YJSA1E24KF302997.mp4 (3549 KB); Tesla Certificate of Confidentiality - June 2019 - NHTSA Request; Key Largo Crash (FINAL).pdf (80 KB);

Hi, Kerry –

Attached please find Tesla's response to a request from Jeff Quandt earlier today to provide information about the aforementioned crash. Per normal Part 512 procedures, also attached are a request for confidentiality and a certificate of confidentiality, with which we are claiming confidential treatment for the submission in entirety. Per your guidance from May 4, 2017, we will not submit a separate hard copy of this submission.

Thank you, and please let me know if you have any questions.

Best,
Eric

Eric C. Williams | Managing Counsel, Regulatory | Legal

1050 K St. N.W., Ste. 101, Washington, D.C. 20001-4792

m +1 508 272 8358 | erwilliams@tesla.com

T E S L A



June 3, 2019

Jonathan C. Morrison
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590
ATTN: Kerry Kolodziej

Re: Request for Confidential Treatment – Response to Request to Produce Information from a VIN
Associated with a Crash in Kew Largo, FL

Dear Mr. Morrison,

Pursuant to the provisions of 5 U.S.C. § 552(b)(4) and 49 C.F.R. § 512, Tesla, Inc. ("Tesla" or the "Company"), requests the National Highway Traffic Safety Administration ("NHTSA" or the "Agency"), Office of Chief Counsel, for confidential treatment of all of the information contained in the attached response and accompanying documents, which is being provided in response to a request from NHTSA, dated June 3, 2019, to produce information from a VIN associated with a crash in Key Largo, FL (the "Submission").

The information contained in the Submission is proprietary and confidential, and has been labeled as such. Tesla has taken measures to ensure the foregoing identified information has not been disclosed, released publicly, or otherwise become available to any person outside of the Company, except as portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisors, or as discussed below. Some of the information contained in the Submission may have been released to outside consultants under binding nondisclosure agreements or similar mechanisms or shared confidentially with other government agencies. Such disclosures do not compromise the confidential nature of the information because of the obligations of confidentiality imposed upon such advisors. Accordingly, Tesla seeks confidential treatment for all of the information contained in the Submission, as marked with the phrase "Confidential Business Information" on each page and "CBI" in the file name.

Competitive Harm. The Submission is entitled to confidential treatment because public release would cause substantial competitive harm to Tesla. The Submission reveals the process by which Tesla identifies and examines field incidents, learns from vehicles through data collection, and how Tesla's software and over-the-air update capability works. None of the aforementioned information is publicly

available. Tesla takes extensive measures to guard and protect this data, and public release of it would substantially harm the Company by revealing to competitors information about Tesla's reporting, monitoring, and proprietary operations. Absent public disclosure, access to it and all of the knowledge gained from it would require significant expenditure of time and resource, and would enable competitors to gain knowledge and an unfair advantage.

Personal Identifying Information. NHTSA has stated that it will protect personal identifying information, such as a name, address, telephone number, or the last six digits of any VIN. The Submission contains at least one full VIN and reveals the customer's actions leading up to and following the incident, including onboard video. This information must be protected for privacy reasons because it makes the customer identifiable, and redacted versions of it would be insufficient to protect his privacy. In addition, the identities of the customer and the bystanders affected by the crash are known in the public and associated with the crash. Precisely because they are identifiable in the public domain, none of the customer's personal identifying information or the information relating to the crash should be released because it would put public scrutiny on and cause irreversible harm to the customer, the bystanders, and their families. For these reasons, Tesla seeks confidential treatment of all of the personal identifying information in the Submission, and believes it is further reason for NHTSA to grant confidentiality of the Submission in entirety.

* * *

Based on the foregoing, we request that confidentiality be granted in perpetuity for the entire Submission. Thank you for your consideration. If you have any questions regarding this request, you may contact me at aprescott@tesla.com or (240) 994-5639.

Sincerely,

A handwritten signature in dark ink, appearing to read "Al Prescott". The signature is fluid and cursive, with the first name "Al" being more prominent and the last name "Prescott" following in a similar style.

Al Prescott
Deputy General Counsel and Director of Regulatory



CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Al Prescott, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

- (1) I am the Deputy General Counsel, Regulatory, for Tesla, Inc. ("Tesla"), and I am authorized by that company to execute documents on behalf of Tesla.
- (2) The information contained in Tesla's June 3, 2019, submission, marked with "Confidential Business Information" or "CBI," is confidential and proprietary and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. § 522(b)(4), as modified pursuant to 49 C.F.R. § 512.
- (3) I have personally inquired of the responsible Tesla personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside of Tesla.
- (4) Based upon such inquiries, to the best of my knowledge, information and belief, the information for which Tesla has claimed confidential treatment has never been released or become available outside of Tesla except as hereinafter specified: the information or portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisers, or to outside testing laboratories and suppliers who have signed written non-disclosure agreements, or to foreign regulatory bodies who have requested such information where such submissions have been provided with a request for confidential treatment, or as otherwise discussed in the request for confidentiality.
- (5) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside of Tesla because of unauthorized or inadvertent disclosure except as stated in paragraph 4; and
- (6) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 3rd day of June, 2019.

A handwritten signature in cursive script that reads "Al Prescott".

Al Prescott

From: Eric Williams [erwilliams@tesla.com]

To: Kolodziej, Kerry (NHTSA)

Sent: Monday, June 03, 2019 11:04:54 PM

Subject: Tesla CBI Submission for J. Quandt -- Key Largo Crash

Attachments: image003.png (1 KB); Tesla Request for Confidentiality - June 2019 - NHTSA Request; Key Largo Crash (FINAL).pdf (88 KB); CBI_Carlog_5YJSA1E24KF302997.xlsx (662 KB); CBI_Video_5YJSA1E24KF302997.mp4 (3549 KB); Tesla Certificate of Confidentiality - June 2019 - NHTSA Request; Key Largo Crash (FINAL).pdf (80 KB);

Hi, Kerry –

Attached please find Tesla's response to a request from Jeff Quandt earlier today to provide information about the aforementioned crash. Per normal Part 512 procedures, also attached are a request for confidentiality and a certificate of confidentiality, with which we are claiming confidential treatment for the submission in entirety. Per your guidance from May 4, 2017, we will not submit a separate hard copy of this submission.

Thank you, and please let me know if you have any questions.

Best,
Eric

Eric C. Williams | Managing Counsel, Regulatory | Legal

1050 K St. N.W., Ste. 101, Washington, D.C. 20001-4792

m +1 508 272 8358 | erwilliams@tesla.com

T E S L A



June 3, 2019

Jonathan C. Morrison
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590
ATTN: Kerry Kolodziej

Re: Request for Confidential Treatment – Response to Request to Produce Information from a VIN
Associated with a Crash in Kew Largo, FL

Dear Mr. Morrison,

Pursuant to the provisions of 5 U.S.C. § 552(b)(4) and 49 C.F.R. § 512, Tesla, Inc. ("Tesla" or the "Company"), requests the National Highway Traffic Safety Administration ("NHTSA" or the "Agency"), Office of Chief Counsel, for confidential treatment of all of the information contained in the attached response and accompanying documents, which is being provided in response to a request from NHTSA, dated June 3, 2019, to produce information from a VIN associated with a crash in Key Largo, FL (the "Submission").

The information contained in the Submission is proprietary and confidential, and has been labeled as such. Tesla has taken measures to ensure the foregoing identified information has not been disclosed, released publicly, or otherwise become available to any person outside of the Company, except as portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisors, or as discussed below. Some of the information contained in the Submission may have been released to outside consultants under binding nondisclosure agreements or similar mechanisms or shared confidentially with other government agencies. Such disclosures do not compromise the confidential nature of the information because of the obligations of confidentiality imposed upon such advisors. Accordingly, Tesla seeks confidential treatment for all of the information contained in the Submission, as marked with the phrase "Confidential Business Information" on each page and "CBI" in the file name.

Competitive Harm. The Submission is entitled to confidential treatment because public release would cause substantial competitive harm to Tesla. The Submission reveals the process by which Tesla identifies and examines field incidents, learns from vehicles through data collection, and how Tesla's software and over-the-air update capability works. None of the aforementioned information is publicly

available. Tesla takes extensive measures to guard and protect this data, and public release of it would substantially harm the Company by revealing to competitors information about Tesla's reporting, monitoring, and proprietary operations. Absent public disclosure, access to it and all of the knowledge gained from it would require significant expenditure of time and resource, and would enable competitors to gain knowledge and an unfair advantage.

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* * *

Based on the foregoing, we request that confidentiality be granted in perpetuity for the entire Submission. Thank you for your consideration. If you have any questions regarding this request, you may contact me at aprescott@tesla.com or (240) 994-5639.

Sincerely,

A handwritten signature in dark ink, appearing to read "Al Prescott". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Al Prescott
Deputy General Counsel and Director of Regulatory



CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Al Prescott, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

- (1) I am the Deputy General Counsel, Regulatory, for Tesla, Inc. ("Tesla"), and I am authorized by that company to execute documents on behalf of Tesla.
- (2) The information contained in Tesla's June 3, 2019, submission, marked with "Confidential Business Information" or "CBI," is confidential and proprietary and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. § 522(b)(4), as modified pursuant to 49 C.F.R. § 512.
- (3) I have personally inquired of the responsible Tesla personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside of Tesla.
- (4) Based upon such inquiries, to the best of my knowledge, information and belief, the information for which Tesla has claimed confidential treatment has never been released or become available outside of Tesla except as hereinafter specified: the information or portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisers, or to outside testing laboratories and suppliers who have signed written non-disclosure agreements, or to foreign regulatory bodies who have requested such information where such submissions have been provided with a request for confidential treatment, or as otherwise discussed in the request for confidentiality.
- (5) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside of Tesla because of unauthorized or inadvertent disclosure except as stated in paragraph 4; and
- (6) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 3rd day of June, 2019.

A handwritten signature in cursive script that reads "Al Prescott".

Al Prescott

From: [Casselle, Justine \(NHTSA\)](#)
To: [Quandt, Jeff \(NHTSA\)](#); [Herrera, Harold \(NHTSA\)](#)
Subject: FW: NHTSA - Tesla Administrative Subpoenas
Date: Monday, March 11, 2019 5:06:42 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[NHTSA Administrative Subpoena 2019.03.11 \(Tesla San Ramon\).pdf](#)
[NHTSA Administrative Subpoena 2019.03.11 \(Tesla Delray Beach\).pdf](#)

FYI

From: Casselle, Justine (NHTSA)
Sent: Monday, March 11, 2019 5:06 PM
To: Al Prescott <aprescott@tesla.com>
Cc: Casselle, Justine (NHTSA) <justine.casselle@dot.gov>
Subject: NHTSA - Tesla Administrative Subpoenas

Al,

This is a follow-up to the voicemail I left earlier today and your conversations with Jeff Quandt.
 Attached are two (2) administrative subpoenas directed to Tesla. I am available tomorrow if you'd like to further discuss or have any questions.

Thank you,
 Justine



Justine S. Casselle
 Senior Trial Attorney
 Office of Chief Counsel

Department of Transportation
 National Highway Traffic Safety Administration
 1200 New Jersey Avenue SE., Washington, DC 20590
 Office: 202-366-2992 • Direct: 202-366-8721

United States of America

DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS

TO: Tesla Motors, Inc.
Attn: Alan Prescott, Associate General Counsel, Regulatory
3500 Deer Creek Road
Palo Alto, CA 94304

Pursuant to the authority conferred in 49 U.S.C. § 30166, and at the instance of the Chief Counsel of the NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA), you are hereby required to produce for inspection and copying no later than the 25th day of March, 2019, at 9:00 A.M. Eastern Time, any electronically stored information and/or documents as specified below at the office of Jeffrey Quandt, Office of Defects Investigation, NHTSA, Room W48-312, 1200 New Jersey Avenue S.E., Washington, D.C. 20590, or alternatively by e-mail delivering such electronically stored information to Mr. Jeffrey Quandt at Jeff.Quandt@dot.gov.

Specifically, NHTSA seeks the following data and information for model year 2018 Tesla Model 3, Vehicle Identification Number (VIN) 5YJ3E1EA1JF**(b)(6)** involved in the crash occurring on January 25, 2019 in San Ramon, California (subject crash): the vehicle owner's name, address and contact information; the full vehicle service history; the vehicle's firmware version and last date updated; all EDR reports related to the subject crash; all images and video files related to the subject crash captured by the Driver Assistance System (DAS) or other systems; all customer concern records, including descriptions of any actions taken by Tesla to diagnose and/or investigate any customer concerns related to the DAS; identify all Automatic Emergency Braking and/or other DAS functions that were suppressed in the 20 seconds prior to the subject crash event and state the reason for the suppression and the time and mileage that the suppression was initiated; all photographs; all video imaging and other recordings; and all police accident reports. NHTSA also requests that Tesla provide its assessment of all vehicle, operator, and environmental factors causing or contributing to the subject crash and crash severity.

Additionally, NHTSA seeks a copy of the data logs for the full drive cycle associated with the subject crash event. This includes all log data during the crash and through the time when the vehicle went offline and was no longer transmitting data. At a minimum, the following elements shall be included in the data log, which shall be produced to NHTSA in an Excel file format:

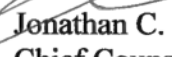
- a. DATE (US/Pacific);
- b. VIN;
- c. TIMESTAMP;
- d. Alert subsystem;
- e. Alert data text;
- f. Auto Lane Change state;
- g. Autopilot Hands-On State;
- h. Autopilot state;
- i. Distance to lead vehicle (m);
- j. Cruise control set speed;
- k. Cruise control state;
- l. All other data elements relevant to lane tracking, cruise control or automatic emergency braking;
- m. Accelerator pedal position sensor A (%);
- n. Accelerator pedal position sensor B (%);
- o. Max accelerator pedal position sensor A (%);

- p. Rear drive motor torque (N.m);
- q. Front drive motor torque (N.m);
- r. Vehicle speed (mph);
- s. Steering angle sensor (deg);
- t. Driver brake pedal application;
- u. ABS brake event;
- v. Air bag telltale; and
- w. Odometer.



IN TESTIMONY WHEREOF, the seal of the DEPARTMENT OF TRANSPORTATION is affixed hereto, and the undersigned, the CHIEF COUNSEL of the NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, has hereto set his hand at Washington, D.C. this 11th day of March, 2019.

(b)(6)


Jonathan C. Morrison
Chief Counsel

From: [Kolodziej, Kerry \(NHTSA\)](#)
To: [Quandt, Jeff \(NHTSA\)](#)
Cc: [Casselle, Justine \(NHTSA\)](#)
Subject: FW: NHTSA - Tesla Administrative Subpoenas
Date: Monday, March 25, 2019 9:14:48 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Delray Beach - Responsive Documents.zip1](#)
[San Ramon Responsive Documents.zip1](#)
[Tesla Certificate of Confidentiality - March 2019 - Subpoena re. San Ramon and Delray Beach Crashes \(FINAL\).pdf](#)
[Tesla Request for Confidentiality - March 2019 - Subpoena re. San Ramon and Delray Beach Crashes \(FINAL\).pdf](#)

From: Eric Williams [mailto:erwilliams@tesla.com]
Sent: Sunday, March 24, 2019 11:54 PM
To: Kolodziej, Kerry (NHTSA) <Kerry.Kolodziej@dot.gov>
Cc: Casselle, Justine (NHTSA) <justine.casselle@dot.gov>; Al Prescott <aprescott@tesla.com>
Subject: RE: NHTSA - Tesla Administrative Subpoenas

+ Kerry as I received an OOTO from Justine. Attached is the same CBI submission in response to the subpoenas below.

Thanks again,
 Eric

From: Eric Williams
Sent: Sunday, March 24, 2019 11:20 PM
To: 'Casselle, Justine (NHTSA)' <justine.casselle@dot.gov>
Cc: Al Prescott <aprescott@tesla.com>
Subject: RE: NHTSA - Tesla Administrative Subpoenas

Hi, Justine –

Attached please find Tesla's response to the two subpoenas below. Per normal Part 512 procedures, also attached are a request for confidentiality and a certificate of confidentiality, with which we are claiming confidential treatment for this submission in entirety. Unless otherwise directed, we will not submit a separate hard copy of the CBI submission.

Please note that part of the CBI submission contains two .zip files. Because NHTSA's server blocks .zip files, I added one character at the end of each .zip file (a "1"). Upon receipt, please remove this character to access the contents of the files as normal. We are meeting with Jeff Quandt on Wednesday to discuss some of the information in the CBI submission, and we expect he will want to review it beforehand.

Thank you, and please let me know if you have any questions.

Best,
 Eric

From: Casselle, Justine (NHTSA) <justine.casselle@dot.gov>
Sent: Monday, March 11, 2019 2:05 PM
To: Al Prescott
Cc: Casselle, Justine (NHTSA)
Subject: NHTSA - Tesla Administrative Subpoenas

Al,

This is a follow-up to the voicemail I left earlier today and your conversations with Jeff Quandt. Attached are two (2) administrative subpoenas directed to Tesla. I am available tomorrow if you'd like to further discuss or have any questions.

Thank you,
Justine



Justine S. Casselle
Senior Trial Attorney
Office of Chief Counsel

Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE., Washington, DC 20590
Office: 202-366-2992 • Direct: 202-366-8721



CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Al Prescott, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

- (1) I am the Deputy General Counsel, Regulatory, for Tesla, Inc. ("Tesla"), and I am authorized by that company to execute documents on behalf of Tesla.
- (2) The information contained in Tesla's March 25, 2019, submission, marked with "Confidential Business Information" or "CBI," is confidential and proprietary and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. § 522(b)(4), as modified pursuant to 49 C.F.R. § 512.
- (3) I have personally inquired of the responsible Tesla personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside of Tesla.
- (4) Based upon such inquiries, to the best of my knowledge, information and belief, the information for which Tesla has claimed confidential treatment has never been released or become available outside of Tesla except as hereinafter specified: the information or portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisers, or to outside testing laboratories and suppliers who have signed written non-disclosure agreements, or to foreign regulatory bodies who have requested such information where such submissions have been provided with a request for confidential treatment, or as otherwise discussed in the request for confidentiality.
- (5) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside of Tesla because of unauthorized or inadvertent disclosure except as stated in paragraph 4; and
- (6) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 25th day of March, 2019.

(b)(6)

Al Prescott



March 25, 2019

Jonathan C. Morrison
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590
ATTN: Kerry Kolodziej

Re: Request for Confidential Treatment – Response to Subpoenas to Produce Information from VINs Associated with Crashes in Delray Beach, FL, and San Ramon, CA

Dear Mr. Morrison,

Pursuant to the provisions of 5 U.S.C. § 552(b)(4) and 49 C.F.R. § 512, Tesla, Inc. ("Tesla" or the "Company"), requests the National Highway Traffic Safety Administration ("NHTSA" or the "Agency"), Office of Chief Counsel, for confidential treatment of all of the information contained in the attached response and accompanying documents, which is being provided in response to two subpoenas from NHTSA, dated March 11, 2019, to produce information from two VINs associated with crashes in Delray Beach, FL, and San Ramon, CA (the "Submission").

The information contained in the Submission is proprietary and confidential, and has been labeled as such. Tesla has taken measures to ensure the foregoing identified information has not been disclosed, released publicly, or otherwise become available to any person outside of the Company, except as portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisors, or as discussed below. Some of the information contained in the Submission may have been released to outside consultants under binding nondisclosure agreements or similar mechanisms or shared confidentially with other government agencies. Such disclosures do not compromise the confidential nature of the information because of the obligations of confidentiality imposed upon such advisors. Accordingly, Tesla seeks confidential treatment for all of the information contained in the Submission, as marked with the phrase "Confidential Business Information" on each page and "CBI" in the file name.

Competitive Harm. The information is entitled to confidential treatment because release would cause substantial competitive harm to Tesla. The Submission reveals the process by which Tesla identifies and examines field incidents, learns from vehicles through data collection, how Tesla conducts over-the-air updates and customer service, and how Tesla's software works.



None of the aforementioned information is publicly available. Absent public disclosure, access to it and all of the knowledge gained from it would require significant expenditure of time and resource, and would enable competitors to gain knowledge and an unfair advantage.

Personal Identifying Information and Service History. NHTSA has stated that it will protect personally identifying information, such as a name, address, telephone number, or the last six digits of any VIN. The Submission reveals the names, home addresses, emails, phone numbers of, and full VINs associated with two customers. The Submission also contains sensitive information about how each customer interacted with their vehicle, including service and repair history, as well as their actions leading up to and during the crashes in question, including onboard video. All of this information must be protected for privacy reasons because it makes the customers easily identifiable, and redacted versions of it would be insufficient to protect their privacy. In addition, the identity of at least one customer is well-known in the public and associated with the crash in which he was involved. Precisely because he is easily identifiable in the public domain, none of his personal identifying information or the information relating to the crash in which he was involved should be released because it would put public scrutiny on and cause irreversible harm to his family. For these reasons, Tesla seeks confidential treatment of all of the personal identifying information in the Submission, and believes it is further reason for NHTSA to grant confidentiality of the Submission in entirety.

* * *

Based on the foregoing, we request that confidentiality be granted in perpetuity for the entire Submission. Thank you for your consideration. If you have any questions regarding this request, you may contact me at aprescott@tesla.com or (240) 994-5639.

Sincerely,

(b)(6)

Al Prescott
Deputy General Counsel and Director of Regulatory

From: [Casselle, Justine \(NHTSA\)](#)
To: [Quandt, Jeff \(NHTSA\)](#)
Subject: FW: Tesla Confidential Submission: Quarterly Presentation (March 2019)
Date: Tuesday, April 02, 2019 12:48:42 PM
Attachments: [image002.png](#)
[CBI-clean-overlay-2018.50.6.mp4](#)
[CBI-clean-overlay-latest.mp4](#)
[CBI-vid.main_replay.mp4](#)
[Tesla Certificate of Confidentiality - March 2019 - CBI Quarterly Update Submission.pdf](#)
[CBI-Tesla Quarterly Update 03.27.2019 Final \(no video\).pdf](#)
[Tesla Request for Confidentiality - March 2019 - CBI Quarterly Update Submission.pdf](#)

From: Eric Williams [mailto:erwilliams@tesla.com]
Sent: Monday, April 01, 2019 8:13 PM
To: Casselle, Justine (NHTSA) <justine.casselle@dot.gov>
Cc: Al Prescott <aprescott@tesla.com>
Subject: Tesla Confidential Submission: Quarterly Presentation (March 2019)

Hi, Justine –

Per NHTSA's request, attached please find Tesla's confidential submission of the quarterly presentation that we presented to you, Steve Ridella, Jeff Quandt, and other personnel last Wednesday, March 27. To reduce file size, we removed the onboard videos from the PPT; they are now separately attached on this email. As per the attached confidentiality request and certificate of confidentiality, we kindly request confidential treatment of all of the information provided in the presentation, including the onboard videos.

This confidential submission is attached in entirety. Unless otherwise directed, we will not submit a separate hard copy of it. Thank you, and please let me know if you have any questions.

Best,
Eric

Eric C. Williams | Managing Counsel, Regulatory | Legal

1050 K St., N.W., Ste. 101, Washington, D.C. 20001-4792

m (b)(6) | erwilliams@tesla.com

T E S L A



CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Al Prescott, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

- (1) I am the Deputy General Counsel, Regulatory, for Tesla, Inc. ("Tesla"), and I am authorized by that company to execute documents on behalf of Tesla.
- (2) The information contained in Tesla's April 1, 2019, submission, marked with "Confidential Business Information" or "CBI," is confidential and proprietary and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. § 522(b)(4), as modified pursuant to 49 C.F.R. § 512.
- (3) I have personally inquired of the responsible Tesla personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside of Tesla.
- (4) Based upon such inquiries, to the best of my knowledge, information and belief, the information for which Tesla has claimed confidential treatment has never been released or become available outside of Tesla except as hereinafter specified: the information or portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisers, or to outside testing laboratories and suppliers who have signed written non-disclosure agreements, or to foreign regulatory bodies who have requested such information where such submissions have been provided with a request for confidential treatment, or as otherwise discussed in the request for confidentiality.
- (5) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside of Tesla because of unauthorized or inadvertent disclosure except as stated in paragraph 4; and
- (6) I certify under penalty of perjury that the foregoing is true and correct. Executed on this the 1st day of April, 2019.

(b)(6)

Al Prescott



April 1, 2019

Jonathan C. Morrison
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590
ATTN: Justine Casselle

Re: Request for Confidential Treatment – Quarterly Update Presentation on March 27, 2019

Dear Mr. Morrison,

Pursuant to the provisions of 5 U.S.C. § 552(b)(4) and 49 C.F.R. § 512, Tesla, Inc. ("Tesla" or the "Company"), requests the National Highway Traffic Safety Administration ("NHTSA" or the "Agency"), Office of Chief Counsel, for confidential treatment of all of the information contained in Tesla's attached quarterly update presentation and attached onboard videos (collectively, the "Quarterly Update"), which were presented to Jeffrey Quandt and his colleagues on Wednesday, March 27, 2019, and are being submitted for Mr. Quandt's reference.

The information contained in the Quarterly Update is proprietary and considered privileged and confidential, and has been labeled as such. Tesla has taken measures to ensure the foregoing identified information has not been disclosed, released publicly, or otherwise become available to any person outside of the Company, except as portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisors, or as discussed below. Some of the information contained in the Quarterly Update may have been released to outside consultants under binding nondisclosure agreements or similar mechanisms. Such disclosures do not compromise the confidential nature of the information because of the obligations of confidentiality imposed upon such advisors. Accordingly, the Company seeks confidential treatment of all of the information contained in the Quarterly Update, as marked with the phrase "Confidential Business Information (CBI)" on each slide or "CBI" in the file name.

Voluntarily Provided. The Quarterly Update is being provided to NHTSA on a voluntary basis as part of the open dialogue between NHTSA and Tesla. Submission of this information has been neither mandated nor otherwise required by any provision of the National Traffic and Motor Vehicle Safety Act or any other

federal law, statute, or regulation administered by the Agency. Accordingly, failure to protect the Quarterly Update as requested could harm NHTSA's ability to obtain such information in the future and the willingness Tesla has displayed in openly sharing this information.

Competitive Harm. The Quarterly Update is entitled to confidential treatment because release of the information would cause substantial competitive harm to Tesla. The Quarterly Update includes a statistical summary of Tesla today, including total fleet mileage with and without Autopilot engaged, vehicle deliveries, Autopilot take rates, and an overview of Tesla's door handle logic. More specific to Autopilot, the Quarterly Update includes crash rates by road class, crash causes, the firmware release process, installation rates of firmware updates, and an overview of upcoming features. Specific to a recent vehicle crash, the Quarterly Update includes information from vehicle logs, onboard video, contributing factors to the crash, and future improvement actions.

None of the aforementioned information is publicly available. It is wholly confidential and proprietary, especially information about Autopilot performance and the recent vehicle crash, and Tesla takes great measures to guard and protect it—even internally. Public disclosure would enable competitors to gain substantial competitive knowledge and an unfair advantage over Tesla. Absent public disclosure, access to the aforementioned information and all of the knowledge gained from it would require significant expenditure of time and resources and intimate knowledge about Tesla.

Personal Identifying Information. NHTSA has stated that it will protect personal identifying information. The Quarterly Update contains sensitive information about how one particular customer interacted with his vehicle in a recent crash, including his actions leading up to the crash as well as onboard video. All of this information must be protected for privacy reasons because it makes the customer easily identifiable, and a redacted version of it would be insufficient to protect his privacy. The identity of this customer is well-known in the public and associated with the crash in which he was involved. Precisely because he is easily identifiable in the public domain, none of his personal identifying information or information relating to the crash in which he was involved should be released because it would put public scrutiny on and cause irreversible harm to his family. For these reasons, Tesla seeks confidential treatment of all of the personal identifying information in the Quarterly Update, and believes it is further reason for NHTSA to grant confidentiality of the Quarterly Update in entirety.

Based on the foregoing, we request that confidentiality be granted in perpetuity for the entire Quarterly Update. Thank you for your consideration. If you have any questions regarding this request, you may contact me at aprescott@tesla.com or (240) 994-5639.

[Signature block on Page 3.]

Page 3

Sincerely,

(b)(6)

Al Prescott

Deputy General Counsel and Director of Regulatory

From: [Al Prescott](#)
To: [Quandt, Jeff \(NHTSA\)](#)
Cc: [Eric Williams](#)
Subject: RE: Quarterly meeting
Date: Friday, March 15, 2019 6:44:45 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Jeff,
 Hi Jeff,

Here's a draft agenda and list of attendees:

Agenda – Wednesday, March 27, 9-11am:

- Update on Tesla Company and Fleet
 - Company Stats
 - Models, Volumes, Autopilot Take Rates
 - Supercharger V3
- Autopilot
 - Update on Autopilot Performance – Fleetwide Performance Statistics and Method
 - Autopilot Feature Update – Significant Changes
 - Autopilot Crash Review - Delray Beach, FL
- Over-the-Air Updates
 - Significant New Features
 - Reviewing Changes that Affect Compliance
 - Approach to Recalls
- Door Handle Behavior
 - Auto-Presenting Handles and Safety
 - Backups

Demo Drives – Wednesday, March 27, 11:30+ (2 vehicles – Model X and Model 3)

Attendees:

- Al Prescott, DGC and Director, Regulatory
- Eric Williams, Managing Counsel, Regulatory
- CJ Moore, Sr. Staff Software Development Engineer
- Frank Havlak, Sr. Staff Controls Engineer

From: Quandt, Jeff (NHTSA) <Jeff.Quandt@dot.gov>
Sent: Thursday, March 14, 2019 10:19 AM
To: Al Prescott <aprescott@tesla.com>
Subject: Quarterly meeting

Hi Al,

Please send draft agenda and list of attendees for the quarterly meeting.

Thanks,
Jeff Quandt



Jeffrey Quandt
Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation, W48-312, NEF-104
1200 New Jersey Avenue SE, Washington, DC 20590
Office: 202-366-5207 Mobile: 202-309-6830

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